



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2011

House Amendment 1038

PAG LIN

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1 1      Amend House File 149 as follows:
1 2 #1.  Page 1, line 6, after <State"> by inserting <and
1 3 that Iowa is a Judeo=Christian State>
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MURPHY of Dubuque
HF149.196 (2) 84
je/rj



Iowa General Assembly
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House Amendment 1039

PAG LIN

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1 1      Amend House File 149 as follows:
1 2 #1.  Page 1, line 6, after <State"> by inserting <and
1 3 that Iowa is an English only state>
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MURPHY of Dubuque
HF149.198 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1040

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 the phrase, "I pledge allegiance to the flag, of the
1 4 United States of America, and to the Republic for which
1 5 it stands, one nation under God, indivisible, with
1 6 liberty and justice for all ">

MURPHY of Dubuque
HF149.197 (2) 84
je/rj



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House Amendment 1041

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 that Iowa has statistical reporting of abortions>

MURPHY of Dubuque
HF149.200 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1042

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 that it is in the Iowa Code that marriage is between a
1 4 man and a woman>

MURPHY of Dubuque
HF149.204 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1043

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 that Iowa has parental notification for minors seeking
1 4 an abortion>

MURPHY of Dubuque
HF149.201 (1) 84
je/jr



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House Amendment 1044

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 Iowa's average unemployment rate from the previous year
1 4 and how Iowa ranked nationally with respect to average
1 5 unemployment rates>

MURPHY of Dubuque
HF149.202 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1045

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 Iowa's average wage from the previous year and how Iowa
1 4 ranked nationally with respect to average wages>

MURPHY of Dubuque
HF149.203 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1046

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 7, after <letters> by inserting
1 3 <and an emblem of the American flag>

MURPHY of Dubuque
HF149.195 (1) 84
je/rj



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House Amendment 1047

PAG LIN

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1 1      Amend House File 149 as follows:
1 2 #1.   Page 1, line 6, by striking <a Right=to=Work>
1 3 and inserting <an Open Shop>
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WILLEMS of Linn
HF149.205 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1048

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa
1 4 law allows cities and counties to abate local property
1 5 taxes for improving industrial real estate>

HUNTER of Polk
HF149.226 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1049

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that in
1 4 Iowa, city councils or boards of supervisors may use
1 5 the property taxes resulting from the increase in
1 6 taxable valuation caused by the construction of new
1 7 industrial or commercial facilities to provide economic
1 8 development incentives to businesses>

HUNTER of Polk
HF149.227 (1) 84
je/rj



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House Amendment 1050

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa's
1 4 worker's compensation costs are among the nation's
1 5 lowest and the average cost of worker's compensation
1 6 insurance for manufacturers in Iowa is twenty=five
1 7 percent lower than the national average>

HUNTER of Polk
HF149.228 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1051

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa
1 4 has a regulatory assistance program which enhances
1 5 the range of services available to Iowa companies by
1 6 advising and assisting companies in the preparation
1 7 and submission of permit applications with the
1 8 Iowa department of natural resources and other Iowa
1 9 regulatory agencies and the purpose of the regulatory
1 10 assistance program is to facilitate communication
1 11 between the companies and regulators and to expedite
1 12 the permitting process>

HUNTER of Polk
HF149.229 (1) 84
je/rj



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House Amendment 1052

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa has
1 4 a new internet site which consolidates all the small
1 5 business incentives and technical assistance programs
1 6 available to entrepreneurs who would like to develop or
1 7 expand their businesses in Iowa>

HUNTER of Polk
HF149.230 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1053

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on incentives for green initiatives>

HUNTER of Polk
HF149.216 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1054

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on information and communication technology
1 5 services>

HUNTER of Polk
HF149.217 (1) 84
je/rj



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House Amendment 1055

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on inbound and outbound shipping costs, and
1 5 the importance of Iowa's role in barge shipments along
1 6 the Mississippi river to international trade>

HUNTER of Polk
HF149.218 (3) 84
je/rj



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House Amendment 1056

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <include the
1 3 phrase, "Iowa is a Right=to=Work State"> and inserting
1 4 <incorporate the latest top ten survey results from
1 5 annual corporate surveys>

HUNTER of Polk
HF149.219 (1) 84
je/rj



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House Amendment 1057

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on the importance of Iowa as an agriculture
1 5 products international exporter>

HUNTER of Polk
HF149.220 (2) 84
je/rj



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House Amendment 1058

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa's
1 4 corporate income tax may be reduced or eliminated
1 5 through Iowa's federal deductibility>

HUNTER of Polk
HF149.221 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1059

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that Iowa's
1 4 single=factor nonunitary tax is based only on the
1 5 percentage of total sales income within the state>

HUNTER of Polk
HF149.222 (2) 84
je/rj



Iowa General Assembly
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House Amendment 1060

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that in Iowa,
1 4 personal property is not assessed for tax purposes,
1 5 and in Iowa, personal property includes corporate
1 6 inventories of goods=in=process, raw materials, and
1 7 salable goods>

HUNTER of Polk
HF149.223 (2) 84
je/rj



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House Amendment 1061

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on labor costs>

HUNTER of Polk
HF149.210 (1) 84
je/rj



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House Amendment 1062

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that in Iowa
1 4 the purchase of industrial machinery and computers
1 5 assessed as real property and used for manufacturing or
1 6 used to process data by insurance companies, financial
1 7 institutions, or certain commercial enterprises is
1 8 exempt from Iowa sales or use tax>

HUNTER of Polk
HF149.224 (1) 84
je/rj



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House Amendment 1063

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <that in
1 4 Iowa, a refundable credit is available for increasing
1 5 research activities of up to six and one-half percent
1 6 of a company's allotted share of qualifying research
1 7 expenditures in Iowa, and that the credit can be
1 8 doubled under certain programs>

HUNTER of Polk
HF149.225 (1) 84
je/rj



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House Amendment 1064

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on highway accessibility>

HUNTER of Polk
HF149.211 (2) 84
je/rj



Iowa General Assembly
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House Amendment 1065

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on tax incentives>

HUNTER of Polk
HF149.212 (1) 84
je/rj



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House Amendment 1066

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on energy availability and costs>

HUNTER of Polk
HF149.213 (2) 84
je/rj



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House Amendment 1067

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on sustainable development>

HUNTER of Polk
HF149.214 (2) 84
je/rj



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House Amendment 1068

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <the phrase, "Iowa
1 3 is a Right=to=Work State"> and inserting <the latest
1 4 information on the availability of Iowa's skilled
1 5 labor>

HUNTER of Polk
HF149.215 (1) 84
je/rj



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House Amendment 1069

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, after <State"> by inserting <and
1 3 that Iowa allows gays to marry>

HUNTER of Polk
HF149.209 (3) 84
je/rj



Iowa General Assembly
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House Amendment 1070

PAG LIN

1 1 Amend House File 126 as follows:
1 2 #1. Page 3, by striking line 18 and inserting:
1 3 <3. Any person who is or has been registered with
1 4 any state or federal government body as a lobbyist or
1 5 government liaison at any time during the previous two
1 6 years, shall be required to file reports with the board
1 7 listing contributions to Iowa candidates and political
1 8 committees if the sum of such contributions is seven
1 9 hundred fifty dollars or more during an election cycle.
1 10 Such reports shall be submitted on the same schedule as
1 11 other financial reports made to the board by persons
1 12 or entities required to report. Such a report shall
1 13 identify the individuals or groups that the lobbyist
1 14 represents.
1 15 4. ~~The secretary of the senate, chief clerk of the~~
1 16 ~~house,~~>

ISENHART of Dubuque
HF126.240 (4) 84
jr/rj



Iowa General Assembly
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House File 154 - Introduced

HOUSE FILE
BY BRANDENBURG

A BILL FOR

1 An Act concerning a policy for the vending of publications at
2 rest areas and establishing a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1613YH (4) 84
dea/nh



**Iowa General Assembly
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House File 154 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 314.30 Publication vending at rest
1 2 areas.

1 3 1. The department shall establish and implement a policy for
1 4 the placement of publication vending equipment at a rest area,
1 5 as defined in section 306C.10, that may include reasonable
1 6 requirements regarding the following:

1 7 a. The size, shape, and appearance of publication racks
1 8 supplied by a vendor.

1 9 b. Standards for regular maintenance of publication racks
1 10 supplied by a vendor.

1 11 c. Requirements for installation of publication racks,
1 12 including acceptable methods for anchoring of equipment.

1 13 d. Location of publication racks within a rest area. In
1 14 allotting an area for the location of publication racks, the
1 15 department shall give primary consideration to the safety of
1 16 pedestrians and vehicles; the unobstructed flow of pedestrian
1 17 traffic; the aesthetic qualities inherent in the design of
1 18 the rest area; and the public's access to and enjoyment of
1 19 amenities within the rest area including but not limited to
1 20 restroom facilities, drinking fountains, food and beverage
1 21 vending machines, information centers as defined in section
1 22 306C.10, and picnic and recreation facilities.

1 23 2. The department shall establish an annual fee for the
1 24 placement of a publication rack at a rest area. The fee shall
1 25 be designed to cover the cost of administering this section,
1 26 not to exceed five hundred dollars per publication rack at a
1 27 single rest area.

1 28 3. A person desiring to place a publication rack at a rest
1 29 area shall make application to the department in a manner
1 30 approved by the department. Upon approval of the application
1 31 and payment of the proper fee, the department shall issue a
1 32 permit valid for one year.

1 33 4. In lieu of or in addition to prescribing requirements for
1 34 the installation of multiple publication racks within a rest
1 35 area, the department may require publications to be sold or



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House File 154 - Introduced continued

2 1 distributed from a combination rack or modular unit provided by
2 2 the department for the vending of multiple publications. The
2 3 vending of publications under this subsection shall be subject
2 4 to the fee and permit requirements under subsections 2 and 3.

2 5 5. The department may adopt rules as necessary to administer
2 6 this section. The rules may include but shall not be limited
2 7 to procedures for the issuance of multiple permits to a vendor
2 8 or for a single permit covering multiple locations, procedures
2 9 for permit renewals, and remedies for addressing violations of
2 10 the conditions of a permit.

2 11 6. For purposes of this section, "vending" includes both
2 12 sales and free distribution.

2 13 EXPLANATION

2 14 This bill establishes a uniform process for the sale or free
2 15 distribution of newspapers and other publications at rest areas
2 16 on interstates and primary highways by requiring publication
2 17 vendors to acquire a state permit and pay an annual fee.

2 18 The bill requires the department of transportation
2 19 to establish and implement a policy for the placement of
2 20 publication vending equipment at rest areas. The policy is
2 21 to include reasonable requirements for the size, shape, and
2 22 appearance of publication racks; standards for maintenance and
2 23 upkeep; installation and anchoring requirements; and location
2 24 requirements. A person who desires to place a publication rack
2 25 in a rest area must first apply to the department for an annual
2 26 permit and pay a fee established by the department to cover its
2 27 administrative costs, not to exceed \$500 per rack at a rest
2 28 area.

2 29 The bill provides an option for the department to install
2 30 combination racks or modular units for the vending of multiple
2 31 publications and require their use in place of individual
2 32 publication racks, subject to the same permit and fee
2 33 requirements applicable to individual rack placement.

2 34 The bill authorizes the department to adopt rules to
2 35 administer the provisions of the bill.

LSB 1613YH (4) 84

dea/nh



Iowa General Assembly
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House File 155 - Introduced

HOUSE FILE
BY HELLAND

A BILL FOR

1 An Act requiring the Iowa lottery authority to have certain
2 lottery payout percentage information printed on all lottery
3 tickets.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1997YH (2) 84
aw/nh



**Iowa General Assembly
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House File 155 - Introduced continued

PAG LIN

1 1 Section 1. Section 99G.31, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3. The authority shall ensure that the
1 4 actual aggregate payout percentage for all lottery games be
1 5 clearly printed on each lottery ticket. For the purpose of
1 6 this calculation, the actual aggregate payout percentage
1 7 shall be the revenue reported from all lottery games during
1 8 the three calendar months preceding printing of the lottery
1 9 ticket divided by net sales reported during the preceding three
1 10 calendar months subtracted from one hundred percent.

1 11 EXPLANATION

1 12 This bill requires the Iowa lottery authority to ensure that
1 13 the payout percentage for the past three months of its lottery
1 14 games be printed on each lottery ticket.

1 15 This rate shall be calculated by dividing lottery game
1 16 revenue for the past three months by net sales for the past
1 17 three months, and then subtracting that number from 100
1 18 percent.

LSB 1997YH (2) 84

aw/nh



Iowa General Assembly
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House Study Bill 46

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to limitations on creditors' rights in
2 spendthrift trusts and discretionary trusts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1902HC (2) 84
rh/nh



Iowa General Assembly
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House Study Bill 46 continued

PAG LIN

1 1 Section 1. Section 633A.2302, subsection 3, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 633A.2305, Code 2011, is amended to read as
1 4 follows:
1 5 633A.2305 Discretionary trusts ==== effect of standard.
1 6 ~~1.~~ Whether or not a trust contains a spendthrift provision,
1 7 a creditor or assignee of a beneficiary shall not compel a
1 8 distribution that is subject to the trustee's discretion, even
1 9 if any of the following occur:

1 10 ~~a. 1.~~ The discretion is expressed in the form of a standard
1 11 of distribution.

1 12 ~~b. 2.~~ The trustee has abused its discretion.

1 13 ~~2. This section shall not apply to a creditor of a~~
~~1 14 beneficiary or to a creditor of a deceased beneficiary~~
~~1 15 enforcing an interest in a trust, if any, given to a~~
~~1 16 beneficiary by the trust instrument.~~

1 17 Sec. 3. Section 633A.2306, Code 2011, is amended to read as
1 18 follows:

1 19 633A.2306 Court action ==== trustee's discretion.

1 20 ~~1.~~ If a trustee has discretion as to payments to a
1 21 beneficiary, and refuses to make payments or exercise its
1 22 discretion, the court shall neither order the trustee to
1 23 exercise its discretion nor order payment from any such trust,
1 24 if any such payment would inure, directly or indirectly, to the
1 25 benefit of a creditor of the beneficiary.

1 26 ~~2. Notwithstanding subsection 1, the court may order~~
~~1 27 payment to a creditor of a beneficiary or to a creditor of a~~
~~1 28 deceased beneficiary if the beneficiary has or had an interest~~
~~1 29 in the trust.~~

1 30 EXPLANATION

1 31 This bill eliminates provisions in Code sections 633A.2302,
1 32 633A.2305, and 633A.2306 allowing a creditor to reach a
1 33 beneficiary's (including a deceased beneficiary) interest in
1 34 a spendthrift trust or a discretionary trust to satisfy an
1 35 enforceable claim against the beneficiary.

LSB 1902HC (2) 84

rh/nh



Iowa General Assembly
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House Study Bill 47

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act relating to the exercise by school districts of any
2 broad and implied powers except as expressly prohibited by
3 the Constitution of the State of Iowa or by statute.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2103YC (6) 84
kh/rj



**Iowa General Assembly
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House Study Bill 47 continued

PAG LIN

1 1 Section 1. NEW SECTION. 274.3 Exercise of powers.
1 2 The board of directors of a school district shall operate,
1 3 control, and supervise all public schools located within its
1 4 district boundaries and may exercise any broad and implied
1 5 power related to the operation, control, and supervision of
1 6 those public schools except as expressly prohibited by the
1 7 Constitution of the State of Iowa or by statute.

1 8 EXPLANATION

1 9 This bill relates to the powers, and general applicability
1 10 of the exercise of those powers, of school boards under Code
1 11 chapter 274. The bill provides that the board of directors
1 12 of each school district shall operate, control, and supervise
1 13 all public schools located within its district boundaries
1 14 and further provides that the school board may exercise any
1 15 broad and implied powers related to the operation, control,
1 16 and supervision of those public schools except as expressly
1 17 prohibited by the Constitution of the State of Iowa or by
1 18 statute.

LSB 2103YC (6) 84

kh/rj



Iowa General Assembly
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House Study Bill 48

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to rulemaking authority of the department
2 of natural resources and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2017HC (4) 84
tm/rj



Iowa General Assembly
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House Study Bill 48 continued

PAG LIN

1 1 Section 1. Section 455A.4, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 Except as otherwise provided by law ~~and subject to~~
1 4 ~~rules adopted by the natural resource commission and the~~
1 5 ~~environmental protection commission~~, the director shall:
1 6 Sec. 2. Section 455A.4, subsection 1, paragraph i, Code
1 7 2011, is amended to read as follows:
1 8 i. Adopt rules in accordance with chapter 17A as necessary
1 9 or desirable ~~for the organization or reorganization of the~~
1 10 ~~department to provide for the administration of chapter 321G,~~
1 11 ~~321I, 455B, 455C, 456A, 456B, 457A, 459, 459A, 459B, 461A,~~
1 12 ~~462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.~~
1 13 Rulemaking authority held by the natural resource commission
1 14 or the environmental protection commission is vested in the
1 15 director upon the effective date of this Act. Rules adopted by
1 16 the natural resource commission or the environmental protection
1 17 commission prior to the effective date of this Act, shall
1 18 remain effective until modified or rescinded by action of the
1 19 director in accordance with the provisions of chapter 17A.
1 20 Sec. 3. Section 455A.5, subsection 6, paragraph a, Code
1 21 2011, is amended to read as follows:
1 22 a. ~~Establish Recommend policy and adopt rules, pursuant~~
1 23 ~~to chapter 17A, necessary~~ to provide for the effective
1 24 administration of chapter 321G, 321I, 456A, 456B, 457A, 461A,
1 25 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.
1 26 Sec. 4. Section 455A.5, subsection 6, paragraph e, Code
1 27 2011, is amended by striking the paragraph.
1 28 Sec. 5. NEW SECTION. 455A.5A Schedule of fees ==== rules.
1 29 1. The director shall adopt, by rule, a schedule of fees for
1 30 permits issued by the natural resource commission, including
1 31 conditional permits, and a schedule of fees for administration
1 32 of the permits. The fees shall be collected by the department
1 33 and used to offset costs incurred in administering a program
1 34 for which the issuance of the permit is made or under which
1 35 enforcement is carried out.



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House Study Bill 48 continued

2 1 2. In determining the fee schedule, the director shall
2 2 consider all of the following:
2 3 a. The reasonable costs associated with reviewing
2 4 applications, issuing permits, and monitoring compliance with
2 5 the terms of issued permits.
2 6 b. The relative benefits to the applicant and to the public
2 7 of a permit review, permit issuance, and monitoring compliance
2 8 with the terms of the permit.
2 9 c. The typical costs associated with a type of project or
2 10 activity for which a permit is required.
2 11 3. However, a fee shall not exceed the actual costs incurred
2 12 by the department.
2 13 Sec. 6. Section 455A.6, subsection 6, paragraph a, Code
2 14 2011, is amended to read as follows:
2 15 a. ~~Establish~~ Recommend policy for the department ~~and adopt~~
2 16 ~~rules, pursuant to chapter 17A,~~ necessary to provide for the
2 17 effective administration of chapter 455B, 455C, or 459.
2 18 Sec. 7. Section 455B.103, subsection 1, Code 2011, is
2 19 amended by striking the subsection and inserting in lieu
2 20 thereof the following:
2 21 1. Adopt, modify, or repeal rules necessary to implement
2 22 this chapter, chapter 455C, chapter 459, chapter 459A, and
2 23 chapter 459B, only to the extent that the rules are consistent
2 24 with the provisions of these chapters. Any rulemaking
2 25 authority held by the commission is vested in the director
2 26 upon the effective date of this Act. Rules adopted by the
2 27 commission prior to the effective date of this Act shall remain
2 28 in effect until modified or rescinded by action of the director
2 29 in accordance with the provisions of chapter 17A.
2 30 a. The director shall include in the preamble of a rule a
2 31 statement referencing the authority delegated to the director
2 32 pursuant to which the rule is adopted. The preamble for the
2 33 rule shall indicate when the director is implementing a federal
2 34 rule by reference and include a financial impact statement
2 35 detailing the general impact of the rule upon the regulated



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3 1 parties.
3 2 b. When proposing or adopting rules to implement a specific
3 3 federal environmental program, the director shall not impose
3 4 requirements more restrictive than the requirements of the
3 5 federal program being implemented.
3 6 c. When proposing or adopting rules, the director shall
3 7 include departmental policy relating to the disclosure of
3 8 information concerning a violation or alleged violation
3 9 of the rules, standards, permits, or orders issued by the
3 10 department and the confidentiality of information obtained by
3 11 the department in the administration and enforcement of this
3 12 chapter, chapter 455C, chapter 459, chapter 459A, and chapter
3 13 459B.
3 14 Sec. 8. Section 455B.103, subsection 2, Code 2011, is
3 15 amended by striking the subsection.
3 16 Sec. 9. Section 455B.105, subsections 3 and 11, Code 2011,
3 17 are amended by striking the subsections.
3 18 Sec. 10. NEW SECTION. 455B.106 Schedule of fees ==== rules.
3 19 1. The director shall adopt, by rule, procedures and forms
3 20 necessary to implement the provisions of this chapter and
3 21 chapters 459, 459A, and 459B relating to permits, conditional
3 22 permits, and general permits.
3 23 2. The director may also adopt, by rule, a schedule of fees
3 24 for permit and conditional permit applications and a schedule
3 25 of fees which may be periodically assessed for administration
3 26 of permits and conditional permits. In determining the fee
3 27 schedules, the director shall consider:
3 28 a. The state's reasonable cost of reviewing applications,
3 29 issuing permits and conditional permits, and checking
3 30 compliance with the terms of the permits.
3 31 b. The relative benefits to the applicant and to the
3 32 public of permit and conditional permit review, issuance, and
3 33 monitoring compliance. It is the intention of the general
3 34 assembly that permit fees shall not cover any costs connected
3 35 with correcting violation of the terms of any permit and shall



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4 1 not impose unreasonable costs on any municipality.
4 2 c. The typical costs of the particular types of projects
4 3 or activities for which permits or conditional permits are
4 4 required, provided that in no circumstances shall fees be in
4 5 excess of the actual costs to the department.
4 6 3. Except as otherwise provided in this chapter and chapter
4 7 459, fees collected by the department under this section shall
4 8 be remitted to the treasurer of state and credited to the
4 9 general fund of the state.
4 10 4. The director shall adopt rules for applications or
4 11 permits related to the national pollutant discharge elimination
4 12 system (NPDES) coverage as described in section 455B.197,
4 13 including fees, only to the extent that the rules are
4 14 consistent with that section.
4 15 Sec. 11. Section 455B.183A, subsection 2, Code 2011, is
4 16 amended to read as follows:
4 17 2. The ~~commission~~ director shall adopt fees as required
4 18 pursuant to section ~~455B.105~~ 455B.106 for permits required for
4 19 public water supply systems as provided in sections 455B.174
4 20 and 455B.183. Fees paid pursuant to this section shall not be
4 21 subject to the sales or services tax. The fees shall be for
4 22 each of the following:
4 23 a. The construction, installation, or modification of a
4 24 public water supply system. The amount of the fees may be
4 25 based on the type of system being constructed, installed, or
4 26 modified.
4 27 b. The operation of a public water supply system, including
4 28 any part of the system. The ~~commission~~ director shall adopt
4 29 a fee schedule which shall be based on the total number of
4 30 persons served by public water supply systems in this state.
4 31 However, a public water supply system shall be assessed a fee
4 32 of at least twenty=five dollars. A public water supply system
4 33 not owned or operated by a community and serving a transient
4 34 population shall be assessed a fee of twenty=five dollars. The
4 35 ~~commission~~ director shall calculate all fees in the schedule to



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5 1 produce total revenues equaling three hundred fifty thousand
5 2 dollars for each fiscal year, commencing with the fiscal year
5 3 beginning July 1, 1995, and ending June 30, 1996. For each
5 4 fiscal year, the fees shall be deposited into the public water
5 5 supply system account. By May 1 of each year, the department
5 6 shall estimate the total revenue expected to be collected from
5 7 the overpayment of fees, which are all fees in excess of the
5 8 amount of the total revenues which are expected to be collected
5 9 under the current fee schedule, and the total revenue expected
5 10 to be collected from the payment of fees during the next fiscal
5 11 year. The ~~commission~~ director shall adjust the fees if the
5 12 estimate exceeds the amount of revenue required to be deposited
5 13 in the account pursuant to this paragraph.

5 14 Sec. 12. Section 455B.310, subsection 5, Code 2011, is
5 15 amended to read as follows:

5 16 5. Solid waste disposal facilities with special provisions
5 17 which limit the site to disposal of construction and demolition
5 18 waste, landscape waste, coal combustion waste, cement kiln
5 19 dust, foundry sand, and solid waste materials approved by the
5 20 department for lining or capping, or for construction berms,
5 21 dikes, or roads in a sanitary disposal project or sanitary
5 22 landfill are exempt from the tonnage fees imposed under this
5 23 section. However, solid waste disposal facilities under
5 24 this subsection are subject to the fees imposed pursuant to
5 25 section ~~455B.105, subsection 11, paragraph "a"~~ 455B.106.
5 26 Notwithstanding the provisions of section ~~455B.105, subsection~~
5 27 ~~11, paragraph "b"~~ 455B.106, the fees collected pursuant to this
5 28 subsection shall be deposited in the solid waste account as
5 29 established in section 455E.11, subsection 2, paragraph "a",
5 30 to be used by the department for the regulation of these solid
5 31 waste disposal facilities.

5 32 Sec. 13. Section 459B.104, subsections 1 and 2, Code 2011,
5 33 are amended to read as follows:

5 34 1. The ~~environmental protection commission~~ director of the
5 35 department shall establish by rule adopted pursuant to chapter



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6 1 17A, requirements relating to the construction, including
6 2 expansion, or operation of dry bedded confinement feeding
6 3 operations, including related dry bedded manure confinement
6 4 feeding operation buildings and stockpiles.

6 5 2. Any provision referring generally to compliance with
6 6 the requirements of this chapter as applied to dry bedded
6 7 confinement feeding operations also includes compliance with
6 8 requirements in rules adopted by the ~~environmental protection~~
~~6 9 commission~~ director of the department pursuant to this section,
6 10 orders issued by the department as authorized under this
6 11 chapter, and the terms and conditions applicable to manure
6 12 management plans required under this chapter.

6 13 Sec. 14. INTENT. It is the intent of the general assembly
6 14 that upon the effective date of this Act, the director of
6 15 the department of natural resources shall have the powers
6 16 and duties and shall assume the sole responsibility for
6 17 proposing and adopting rules as necessary for the effective
6 18 administration of the duties of the department of natural
6 19 resources. All references in statute or rules to the
6 20 rulemaking authority of the natural resource commission or
6 21 the environmental protection commission of the department of
6 22 natural resources shall upon the effective date of this Act be
6 23 construed to refer only to the director of the department of
6 24 natural resources.

6 25 Sec. 15. APPLICABILITY. This Act applies to all rules
6 26 noticed or adopted after the effective date of this Act. If a
6 27 rule with an effective date prior to the effective date of this
6 28 Act is amended after the effective date of this Act, then the
6 29 provisions of this Act are applicable to the entire rule being
6 30 amended and not only to the precise portion of the rules that
6 31 is being amended. For purposes of applying the provisions of
6 32 this Act, the effective date of the amendment to a rule shall
6 33 be the new effective date of the rule as a whole.

6 34 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
6 35 of immediate importance, takes effect upon enactment.



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7 1 EXPLANATION
7 2 This bill relates to rulemaking authority of the department
7 3 of natural resources.
7 4 Currently, the environmental protection commission and the
7 5 natural resources commission both have rulemaking authority
7 6 for Code chapters administered by the department of natural
7 7 resources. The bill transfers the rulemaking authority for
7 8 both commissions to the director of the department of natural
7 9 resources. The bill makes conforming amendments.
7 10 The bill takes effect upon enactment.
LSB 2017HC (4) 84
tm/rj



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House Study Bill 49

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
CHAMBERS)

A BILL FOR

1 An Act relating to veterans records by requiring county
2 recorders to provide copies of certain records to the
3 department of veterans affairs and the county commission of
4 veteran affairs and by requiring the department of veterans
5 affairs to provide copies of certain discharge documents to
6 the appropriate county commission of veteran affairs.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1945YC (4) 84
aw/sc



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1 1 Section 1. Section 35A.5, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14A. a. Provide a copy of the certificate
1 4 of release or discharge from active duty to the county
1 5 commission of veteran affairs for the county where the released
1 6 or discharged individual resides within thirty days of
1 7 receiving the certificate of release or discharge from active
1 8 duty from the applicable branch of service.

1 9 b. A certificate of release or discharge from active duty
1 10 that is received by the department shall be considered a
1 11 confidential record for purposes of chapter 22 and shall only
1 12 be made available pursuant to paragraph "a", unless otherwise
1 13 authorized by law in connection with the department's official
1 14 duties. The county commission of veteran affairs and its
1 15 employees or agents shall be subject to the same state and
1 16 federal confidentiality restrictions and requirements that are
1 17 imposed on the department.

1 18 Sec. 2. Section 331.608, subsection 6, paragraph e, Code
1 19 2011, is amended to read as follows:

1 20 e. When otherwise required by a department or agency of the
1 21 federal or state government or a political subdivision. The
1 22 recorder shall make these records available to the department
1 23 of veterans affairs and the county commission of veteran
1 24 affairs. For records recorded after January 1, 2001, the
1 25 recorder shall provide a copy of each such record to the county
1 26 commission of veteran affairs and to the department of veterans
1 27 affairs. Copies of records recorded after January 1, 2001, and
1 28 before the effective date of this Act shall be provided not
1 29 later than January 1, 2012. For records recorded on or after
1 30 the effective date of this Act, such copies shall be provided
1 31 within thirty days of recording. The department of veterans
1 32 affairs and its employees and the county commission of veteran
1 33 affairs and its employees shall be subject to the same state
1 34 and federal confidentiality restrictions and requirements that
1 35 are imposed on the recorder.



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House Study Bill 49 continued

2 1 EXPLANATION
2 2 This bill relates to information sharing between the
2 3 department of veterans affairs and county commissions of
2 4 veteran affairs.
2 5 The bill requires that the department of veterans affairs
2 6 provide the appropriate county commission of veteran affairs
2 7 with a copy of the certificate of release or discharge from
2 8 active duty of any individual residing in that county. The
2 9 bill further requires that county commissions keep these
2 10 records confidential unless otherwise provided by law and
2 11 requires that county commission employees be subject to the
2 12 state and federal confidentiality restrictions imposed on the
2 13 department.
2 14 The bill also requires that the county recorder make certain
2 15 records available to the department and the county commission.
2 16 The bill requires that the recorder provide a copy of certain
2 17 records recorded after January 1, 2001, to the department and
2 18 to the county commission. The bill requires that records
2 19 recorded after January 1, 2001, and before the effective date
2 20 of the bill be provided by the recorder to the department and
2 21 the county commission by January 1, 2012. The bill further
2 22 requires that the recorder provide a copy of all such records
2 23 recorded after the effective date of the bill to the department
2 24 and the county commission within 30 days of recording.
LSB 1945YC (4) 84
aw/sc



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Senate Amendment 3005

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1 1 Amend Senate Resolution 3 as follows:
1 2 #1. Page 14, by striking line 3 and inserting:
1 3 <(2) That the senator, ~~or~~ lobbyist, or client of a
1 4 lobbyist be censured or>
1 5 #2. Page 14, by striking line 19 and inserting
1 6 <against a senator, ~~or~~ lobbyist, or client of a
1 7 lobbyist after the second regular>

JOHN P. KIBBIE
SR3.239 (1) 84
tm/rj



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Senate File 117 - Introduced

SENATE FILE
BY HATCH and BOLKCOM

A BILL FOR

1 An Act relating to health care and policy, and health care
2 infrastructure and integration of public and private
3 programs, and related matters, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2122SS (3) 84
pf/rj



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1 1 DIVISION I
1 2 HEALTH CARE INFRASTRUCTURE ====
1 3 DIVISION OF HEALTH POLICY
1 4 Section 1. Section 135.61, subsection 17, Code 2011, is
1 5 amended by striking the subsection.
1 6 Sec. 2. Section 135.61, subsection 21, Code 2011, is amended
1 7 to read as follows:
1 8 21. "Outpatient surgical facility" means a medical facility
1 9 ~~which as its primary function provides, through an organized~~
~~1 10 medical staff and on an outpatient basis to patients who are~~
~~1 11 generally ambulatory, that provides surgical procedures not~~
1 12 ordinarily performed in a private physician's office, ~~but~~
~~1 13 not requiring twenty-four hour hospitalization, and which is~~
~~1 14 neither a part of a hospital nor the private office of a health~~
~~1 15 care provider who there engages in the lawful practice of~~
~~1 16 surgery in at least one dedicated, fully equipped operating~~
1 17 room to patients who are admitted to and discharged from the
1 18 facility within the same day, that meets staffing and equipment
1 19 requirements necessary to ensure patient safety and quality
1 20 care. "Outpatient surgical facility" includes a facility
~~1 21 certified or seeking certification as an ambulatory surgical~~
1 22 center, under the federal Medicare program or under the medical
~~1 23 assistance program established pursuant to chapter 249A.~~
1 24 Sec. 3. Section 135.63, subsection 1, Code 2011, is amended
1 25 to read as follows:
1 26 1. A new institutional health service or changed
1 27 institutional health service shall not be offered or developed
1 28 in this state without prior application to the department
1 29 for and receipt of a certificate of need, pursuant to this
1 30 division. The application shall be made upon forms furnished
1 31 or prescribed by the department and shall contain such
1 32 information as the department may require under this division.
1 33 The application shall be accompanied by a fee equivalent
1 34 to three-tenths of one percent of the anticipated cost of
1 35 the project with a minimum fee of six hundred dollars and a



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2 1 maximum fee of twenty=one thousand dollars. The fee shall
2 2 be ~~remitted~~ retained by the department ~~to the treasurer of~~
~~2 3 state, who shall place it in the general fund of the state~~
~~2 4 for administration and fulfillment of the duties of the~~
2 5 division. Revenues retained by the division under this
2 6 section shall be considered repayment receipts as defined in
2 7 section 8.2. Notwithstanding section 8.33, moneys retained
2 8 by the department pursuant to this section are not subject to
2 9 reversion to the general fund of the state. If an application
2 10 is voluntarily withdrawn within thirty calendar days after
2 11 submission, seventy=five percent of the application fee shall
2 12 be refunded; if the application is voluntarily withdrawn more
2 13 than thirty but within sixty days after submission, fifty
2 14 percent of the application fee shall be refunded; if the
2 15 application is withdrawn voluntarily more than sixty days
2 16 after submission, twenty=five percent of the application fee
2 17 shall be refunded. Notwithstanding the required payment of an
2 18 application fee under this subsection, an applicant for a new
2 19 institutional health service or a changed institutional health
2 20 service offered or developed by an intermediate care facility
2 21 for persons with mental retardation or an intermediate care
2 22 facility for persons with mental illness as defined pursuant to
2 23 section 135C.1 is exempt from payment of the application fee.
2 24 Sec. 4. Section 135.63, subsection 2, paragraph 1, Code
2 25 2011, is amended by striking the paragraph.
2 26 Sec. 5. Section 135.63, subsection 2, paragraphs n and o,
2 27 Code 2011, are amended to read as follows:
2 28 n. Hospice services ~~provided by a hospital~~, notwithstanding
2 29 any provision in this division to the contrary.
2 30 o. The change in ownership, ~~licensure~~, or organizational
2 31 ~~structure, or designation~~ of the ~~type of~~ institutional health
2 32 facility if the health services offered by the successor
2 33 institutional health facility are unchanged. This exclusion is
2 34 applicable only if the institutional health facility consents
2 35 to the change in ownership, ~~licensure~~, or organizational



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3 1 structure, ~~or designation of the type of institutional health~~
3 2 ~~facility~~ and ceases offering the health services simultaneously
3 3 with the initiation of the offering of health services by the
3 4 successor institutional health facility.
3 5 Sec. 6. Section 135.163, Code 2011, is amended to read as
3 6 follows:
3 7 135.163 ~~Health and long-term care access~~ Division of health
3 8 policy.
3 9 1. ~~The~~ A division of health policy is created in the
3 10 department shall coordinate to integrate public and private
3 11 efforts to develop in formulating and implementing a state
3 12 health policy agenda to accomplish all of the following:
3 13 a. Develop and maintain an appropriate health care delivery
3 14 infrastructure and a stable, well-qualified, diverse, and
3 15 sustainable health care workforce in this state. The health
3 16 care delivery infrastructure and the health care workforce
3 17 shall address the broad spectrum of health care needs of Iowans
3 18 throughout their lifespan including long-term care needs.
3 19 b. Establish a methodology and process to achieve cultural
3 20 transformation that emphasizes health and wellness by removing
3 21 barriers across the spectrum of personal, professional, and
3 22 community constructs to empower individual behavioral and
3 23 systemic change.
3 24 c. Provide for the collection, analysis, and use of cost
3 25 and quality data to inform decisions by individual consumers,
3 26 businesses, and policymakers in determining the most effective
3 27 and efficient use of resources in arriving at economically
3 28 sustainable health care outcomes.
3 29 2. The division administrator shall be a health economist.
3 30 The administrator may utilize existing councils and workgroups
3 31 as necessary and shall establish a technical advisory
3 32 council to assist in the development of policy priorities
3 33 and the strategic plan described in subsection 3. The
3 34 technical advisory council shall include but is not limited to
3 35 representatives of the university of Iowa college of public



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4 1 health and the university of Iowa public policy center, health
4 2 planners, health care consumers, health care purchasers, state
4 3 and local agencies that regulate entities involved in health
4 4 care, health care providers, and health care facilities.
4 5 3. ~~The department~~ health policy division shall, at a
4 6 minimum, do all of the following:
4 7 1. a. Develop a strategic plan for health care delivery
4 8 infrastructure and health care workforce resources in this
4 9 state in accordance with section 135.164. The division shall
4 10 act as an ongoing resource to the health facilities council in
4 11 evaluating and updating the certificate of need program.
4 12 2. b. Provide for the continuous collection of data to
4 13 provide a basis for health care strategic planning and health
4 14 care policymaking decision making by individual consumers,
4 15 businesses, and policymakers.
4 16 3. ~~Make recommendations regarding the health care delivery~~
4 17 ~~infrastructure and the health care workforce that assist~~
4 18 ~~in monitoring current needs, predicting future trends, and~~
4 19 ~~informing policymaking.~~
4 20 c. Develop and implement a blueprint to make Iowa one of the
4 21 healthiest states by the year 2014.
4 22 Sec. 7. Section 135.164, Code 2011, is amended to read as
4 23 follows:
4 24 135.164 Strategic plan.
4 25 1. Development of a strategic plan. The division
4 26 shall develop a strategic plan for health care delivery
4 27 infrastructure and health care workforce resources. The
4 28 strategic plan shall describe the existing health care system,
4 29 describe and provide a rationale for the desired health
4 30 care system, provide an action plan for implementation of
4 31 changes necessary to achieve the desired health care system,
4 32 and provide methods to evaluate the system. The plan shall
4 33 incorporate expenditure control methods and integrate criteria
4 34 for evidence-based health care. The ~~department~~ division shall
4 35 do all of the following in developing the strategic plan for



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~~5 1 health care delivery infrastructure and health care workforce~~
~~5 2 resources:~~
5 3 a. Conduct strategic health planning activities related to
5 4 preparation of the strategic plan.
5 5 b. Develop a computerized system for accessing, analyzing,
5 6 and disseminating data relevant to strategic health planning.
5 7 The ~~department~~ division may enter into data sharing agreements
5 8 and contractual arrangements necessary to obtain or disseminate
5 9 relevant data.
5 10 c. Conduct research and analysis or arrange for research
5 11 and analysis projects to be conducted by public or private
5 12 organizations to further the development of the strategic plan.
5 13 ~~d. Establish a technical advisory committee to assist in~~
~~5 14 the development of the strategic plan. The members of the~~
~~5 15 committee may include but are not limited to health economists,~~
~~5 16 representatives of the university of Iowa college of public~~
~~5 17 health, health planners, representatives of health care~~
~~5 18 purchasers, representatives of state and local agencies that~~
~~5 19 regulate entities involved in health care, representatives~~
~~5 20 of health care providers and health care facilities, and~~
~~5 21 consumers.~~
5 22 2. Guiding principles. The strategic plan shall include
5 23 statewide health planning policies and goals related to the
5 24 availability of health care facilities and services, the
5 25 availability of appropriate health care workforce resources,
5 26 health and wellness promotion, the quality of care, and the
5 27 cost of care. The policies and goals shall be based on the
5 28 following principles:
5 29 a. That a strategic health planning process, responsive to
5 30 changing health and social needs and conditions, is essential
5 31 to the health, safety, and welfare of Iowans. The process
5 32 shall be reviewed and updated as necessary to ensure that the
5 33 strategic plan addresses all of the following:
5 34 (1) Promoting and maintaining the health of all Iowans.
5 35 (2) Providing accessible health care services through the



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6 1 maintenance of an ~~adequate~~ appropriate and sustainable supply
6 2 of health facilities and an ~~adequate~~ a competent workforce
6 3 reserve.
6 4 (3) Controlling excessive increases in costs.
6 5 (4) Applying specific quality criteria and population
6 6 health indicators.
6 7 (5) Recognizing prevention and wellness as priorities ~~in~~
~~6 8 health care programs to improve quality and reduce costs and~~
6 9 promoting prevention and wellness across all sectors to improve
6 10 individual well-being and health outcomes, while reducing human
6 11 and financial costs.
6 12 (6) Addressing periodic priority issues including disaster
6 13 planning, public health threats, and public safety dilemmas.
6 14 (7) Coordinating health care delivery and resource
6 15 development efforts among state agencies including those tasked
6 16 with facility, services, and professional provider licensure;
6 17 state and federal reimbursement; health service utilization
6 18 data systems; and others.
6 19 (8) Recognizing long-term care as an integral component of
6 20 the health care delivery infrastructure and as an essential
6 21 service provided by the health care workforce.
6 22 b. That both consumers and providers throughout the state
6 23 must be involved in the health planning process, outcomes of
6 24 which shall be clearly articulated and available for public
6 25 review and use.
6 26 c. That the supply of a health care service has a
6 27 substantial impact on utilization of the service, independent
6 28 of the effectiveness, medical necessity, or appropriateness of
6 29 the particular health care service for a particular individual.
6 30 d. That given that health care resources are not unlimited,
6 31 the impact of any new health care service or facility on
6 32 overall health expenditures in this state must be considered.
6 33 e. That excess capacity of health care services and
6 34 facilities places an increased economic burden on the public.
6 35 f. That the likelihood that a requested new health care



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7 1 facility, service, or equipment will improve health care
7 2 quality and outcomes must be considered.
7 3 g. That development and ongoing maintenance of current and
7 4 accurate health care information and statistics related to cost
7 5 and quality of health care and projections of the need for
7 6 health care facilities and services are necessary to developing
7 7 an effective health care planning strategy.
7 8 h. That the certificate of need program as a component
7 9 of the health care planning regulatory process must balance
7 10 considerations of access to quality care at a reasonable
7 11 cost for all Iowans, optimal use of existing health care
7 12 resources, fostering of expenditure control, and elimination of
7 13 unnecessary duplication of health care facilities and services,
7 14 while supporting improved health care outcomes.
7 15 i. That strategic health care planning must be concerned
7 16 with the stability of the health care system, encompassing
7 17 health care financing, quality, and the availability of
7 18 information and services for all residents.
7 19 3. Components of the strategic plan. The ~~health care~~
7 20 ~~delivery infrastructure and health care workforce resources~~
7 21 strategic plan developed by the ~~department~~ division shall
7 22 include all of the following:
7 23 a. Assessment and objectives. A health care system
7 24 assessment and objectives component that does all of the
7 25 following:
7 26 (1) Describes state ~~and regional~~ population demographics,
7 27 health status indicators, and trends in health status and
7 28 health care needs.
7 29 (2) Identifies key policy objectives for the state health
7 30 care system related to access to care, health care outcomes,
7 31 quality, and cost=effectiveness.
7 32 b. Certificate of need determinations. A health care
7 33 facilities and services plan that assesses the demand for
7 34 health care facilities and services to inform state health care
7 35 planning efforts and direct certificate of need determinations



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8 1 for those facilities and services subject to certificate of
8 2 need. The plan shall include all of the following:
8 3 (1) An inventory of ~~each geographic region's~~ existing
8 4 health care facilities and services.
8 5 (2) Projections of the need for each category of health care
8 6 facility and service, including those subject to certificate
8 7 of need.
8 8 (3) Policies to guide the addition of new or expanded health
8 9 care facilities and services to promote the use of quality,
8 10 evidence-based, cost-effective health care delivery options,
8 11 including any recommendations for criteria, standards, and
8 12 methods relevant to the certificate of need review process.
8 13 (4) An assessment of the availability of health
8 14 care providers, public health resources, transportation
8 15 infrastructure, and other considerations necessary to support
8 16 ~~the~~ needed health care facilities and services ~~in each region.~~
8 17 (5) An analysis of and recommended revisions to division VI
8 18 of this chapter to direct certificate of need determinations in
8 19 a manner that reflects the statewide health planning policies
8 20 and goals specified in subsection 2. The analysis shall
8 21 specifically address inclusions in and exclusions from the
8 22 certificate of need process and whether the exclusions comport
8 23 with the policies and goals specified in subsection 2.
8 24 c. Data resources. A health care data resources plan that
8 25 identifies data elements necessary to properly conduct planning
8 26 activities and to review certificate of need applications,
8 27 including data related to inpatient and outpatient utilization
8 28 and outcomes information, and financial and utilization
8 29 information related to charity care, quality, and cost. The
8 30 plan shall provide all of the following:
8 31 (1) An inventory of existing data resources, both public
8 32 and private, that store and disclose information relevant
8 33 to the health care planning process, including information
8 34 necessary to conduct certificate of need activities. The plan
8 35 shall identify any deficiencies in the inventory of existing



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9 1 data resources and the data necessary to conduct comprehensive
9 2 health care planning activities. The plan may recommend that
9 3 the ~~department~~ division be authorized to access existing data
9 4 sources and conduct appropriate analyses of such data or
9 5 that other agencies expand their data collection activities
9 6 as statutory authority permits. The plan may identify any
9 7 ~~computing~~ information technology infrastructure deficiencies
9 8 that impede the proper storage, transmission, and analysis of
9 9 health care planning data.

9 10 (2) Recommendations for increasing the availability of data
9 11 related to health care planning to provide greater community
9 12 involvement in the health care planning process and consistency
9 13 in data used for certificate of need applications and
9 14 determinations. The plan shall also integrate the requirements
9 15 for annual reports by hospitals and health care facilities
9 16 pursuant to section 135.75, the provisions relating to analyses
9 17 and studies by the department pursuant to section 135.76,
9 18 the data compilation provisions of section 135.78, and the
9 19 provisions for contracts for assistance with analyses, studies,
9 20 and data pursuant to section 135.83.

9 21 d. All=payer claims database plan. A plan to establish
9 22 an all=payer claims database to provide for the collection
9 23 and analysis of claims data from multiple payers of health
9 24 care. The plan shall establish the goals of the database
9 25 which may include but are not limited to determining health
9 26 care utilization patterns and rates; identifying gaps in
9 27 prevention and health promotion services; evaluating access to
9 28 care; assisting with benefit design and planning; analyzing
9 29 statewide and local health care expenditures by provider,
9 30 employer, and geography; informing the development of payment
9 31 systems for providers; and establishing clinical guidelines
9 32 related to quality, safety, and continuity of care. The plan
9 33 shall identify a standard means of data collection, statutory
9 34 changes necessary to the collection and use of the data, and
9 35 the types of claims for which collection of data is required



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10 1 which may include but are not limited to eligibility data;
10 2 provider information; medical data; private and public medical,
10 3 pharmacy, and dental claims data; and other appropriate data.
10 4 The plan shall also include an implementation and maintenance
10 5 schedule including a proposed budget and funding plan and
10 6 vision for the future.

10 7 ~~d.~~ e. Evaluation of trends. An assessment of emerging
10 8 trends in health care delivery and technology as they relate to
10 9 access to health care facilities and services, quality of care,
10 10 and costs of care. The assessment shall recommend any changes
10 11 to the scope of health care facilities and services ~~covered by~~
~~10 12 the certificate of need program~~ that may be warranted by these
10 13 emerging trends. In addition, the assessment may recommend
10 14 any changes to criteria used by the department to review
10 15 certificate of need applications, as necessary.

10 16 ~~e.~~ f. Rural health care resources plan. A rural health care
10 17 resources plan to assess the availability of health resources
10 18 in rural areas of the state, assess the unmet needs of these
10 19 communities, and evaluate how federal and state reimbursement
10 20 policies can be modified, if necessary, to more efficiently and
10 21 effectively meet the health care needs of rural communities.
10 22 The plan shall consider the unique health care needs of rural
10 23 communities, the adequacy of the rural health care workforce,
10 24 and transportation needs for accessing appropriate care.

10 25 ~~f.~~ g. Workforce resources plan. A health care workforce
10 26 resources plan to assure a competent, diverse, and sustainable
10 27 health care workforce in Iowa and to improve access to health
10 28 care in underserved areas and among underserved populations.
10 29 The plan shall include the establishment of an advisory council
10 30 to inform and advise the department and policymakers regarding
10 31 issues relevant to the health care workforce in Iowa. The
10 32 health care workforce resources plan shall recognize long-term
10 33 care as an essential service provided by the health care
10 34 workforce.

10 35 h. Provider payment system plan. The provider payment



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11 1 system plan to provide recommendations to reform the health
11 2 care provider payment system as an effective way to promote
11 3 coordination of care, lower costs, and improve quality. The
11 4 plan shall analyze and make recommendations regarding but not
11 5 limited to accountable care organizations, a global payment
11 6 system, or an episode of care payment system.

11 7 i. Blueprint for a healthy Iowa. A blueprint for a
11 8 healthy Iowa to provide a methodology and process for cultural
11 9 transformation that emphasizes health and wellness by removing
11 10 barriers across the spectrum of personal, professional, and
11 11 community constructs to empower individual behavioral and
11 12 systemic change. The blueprint shall provide for coordination
11 13 of existing public and private health and wellness initiatives
11 14 and shall include recommendations for replication of health and
11 15 wellness initiatives for which evidence-based success has been
11 16 demonstrated.

11 17 j. Long-term living plan. A long-term living plan that
11 18 reflects the intent specified in section 231F.1 in a manner
11 19 that most effectively and efficiently meets the needs of
11 20 Iowa's population. The plan may include recommendations
11 21 for modification of requirements for certificate of need
11 22 determinations, health care workforce requirements, and funding
11 23 to promote the specified intent.

~~11 24 4. The department shall submit the initial statewide health
11 25 care delivery infrastructure and resources strategic plan to
11 26 the governor and the general assembly by January 1, 2010, and
11 27 shall submit an updated strategic plan to the governor and the
11 28 general assembly every two years thereafter.~~

11 29 4. The division shall develop a timeline for completion
11 30 and submission of the various components of the strategic plan
11 31 to the governor and the general assembly and shall submit the
11 32 proposed timeline to the governor and the general assembly
11 33 by October 1, 2011. The components relating to certificate
11 34 of need determinations, the all-payer claims database, and
11 35 the provider payment system shall be completed and submitted



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12 1 to the governor and the general assembly by October 1, 2011.

12 2 The division may contract with public or private entities to

12 3 provide impartial, evidence-based research and analysis in

12 4 developing these components of the strategic plan.

12 5 Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this

12 6 Act, being deemed of immediate importance, takes effect upon

12 7 enactment.

12 8

DIVISION II

12 9

MEDICATION THERAPY MANAGEMENT

12 10 Sec. 9. NEW SECTION. 8A.440 Medication therapy management.

12 11 1. As used in this section, unless the context otherwise

12 12 requires:

12 13 a. "Eligible employee" means an employee of the state

12 14 including an employee of the state board of regents or

12 15 institutions under the state board of regents for whom group

12 16 health plans are established pursuant to chapter 509A providing

12 17 for third-party payment or prepayment for health or medical

12 18 expenses, and employees of a governmental subdivision for whom

12 19 the governmental subdivision provides for third-party payment

12 20 or prepayment for health or medical expenses.

12 21 b. "Medication therapy management" means a systematic

12 22 process performed by a licensed pharmacist, designed to

12 23 optimize therapeutic outcomes through improved medication use

12 24 and reduced risk of adverse drug events, including all of the

12 25 following services:

12 26 (1) A medication therapy review and in-person consultation

12 27 relating to all medications, vitamins, and herbal supplements

12 28 currently being taken by an eligible individual.

12 29 (2) A medication action plan, subject to the limitations

12 30 specified in this section, communicated to the individual and

12 31 the individual's primary care physician or other appropriate

12 32 prescriber to address safety issues, inconsistencies,

12 33 duplicative therapy, omissions, and medication costs. The

12 34 medication action plan may include recommendations to the

12 35 prescriber for changes in drug therapy.



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13 1 (3) Documentation and follow-up to ensure consistent levels
13 2 of pharmacy services and positive outcomes.
13 3 2. a. The department shall continue to contract for
13 4 the provision of medication therapy management services for
13 5 eligible employees as initially required pursuant to 2010 Iowa
13 6 Acts, chapter 1193, section 166, and shall amend the contract
13 7 to include, beginning July 1, 2011, eligible employees who
13 8 are employees of the state board of regents and institutions
13 9 under the state board of regents and employees of governmental
13 10 subdivisions, at the election of the governmental subdivision,
13 11 who meet any of the following criteria:
13 12 (1) An individual who takes four or more prescription drugs
13 13 to treat or prevent two or more chronic medical conditions.
13 14 (2) An individual with a prescription drug therapy problem
13 15 who is identified by the prescribing physician or other
13 16 appropriate prescriber, and referred to a pharmacist for
13 17 medication therapy management services.
13 18 (3) An individual who meets other criteria established by
13 19 the third-party payment provider contract, policy, or plan.
13 20 b. The department shall utilize an advisory committee
13 21 comprised of an equal number of physicians and pharmacists
13 22 to provide advice and oversight regarding the contract and
13 23 evaluation processes. The department shall appoint the members
13 24 of the advisory committee from designees of the Iowa pharmacy
13 25 association, the Iowa medical society, and the Iowa osteopathic
13 26 medical association.
13 27 c. The contract shall require the company to provide annual
13 28 reports to the general assembly detailing the costs, savings,
13 29 estimated cost avoidance and return on investment, and patient
13 30 outcomes related to the medication therapy management services
13 31 provided. The company shall guarantee demonstrated annual
13 32 savings, including any savings associated with cost avoidance
13 33 at least equal to the program's costs with any shortfall amount
13 34 refunded to the state. The department and the company shall
13 35 agree on the terms, conditions, and applicable measurement



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14 1 standards associated with the demonstration of savings. The
14 2 department shall verify that the demonstrated savings reported
14 3 by the company were attained in accordance with the agreed upon
14 4 measurement standards. The company shall be prohibited from
14 5 using the company's employees to provide the medication therapy
14 6 management services and shall instead be required to contract
14 7 with licensed pharmacies, pharmacists, or physicians.

14 8 d. The fees for pharmacist=delivered medication therapy
14 9 management services shall be separate from the reimbursement
14 10 for prescription drug product or dispensing services; shall
14 11 be determined by each third=party payment provider contract,
14 12 policy, or plan; and must be reasonable based on the resources
14 13 and time required to provide the service.

14 14 e. A fee shall be established for physician reimbursement
14 15 for services delivered for medication therapy management as
14 16 determined by each third=party payment provider contract,
14 17 policy, or plan, and must be reasonable based on the resources
14 18 and time required to provide the service.

14 19 f. If any part of the medication therapy management
14 20 plan developed by a pharmacist incorporates services which
14 21 are outside the pharmacist's independent scope of practice
14 22 including the initiation of therapy, modification of dosages,
14 23 therapeutic interchange, or changes in drug therapy, the
14 24 express authorization of the individual's physician or other
14 25 appropriate prescriber is required.

14 26 Sec. 10. REPEAL. 2010 Iowa Acts, chapter 1193, section 166,
14 27 is repealed.

14 28 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
14 29 Act, being deemed of immediate importance, takes effect upon
14 30 enactment.

14 31 DIVISION III

14 32 DIRECTIVES FOR INTEGRATION OF PUBLIC AND PRIVATE PROGRAMS

14 33 Sec. 12. PLAN FOR SEAMLESS PUBLIC AND PRIVATE PROGRAM
14 34 INTEGRATION IN IOWA HEALTH BENEFIT EXCHANGE. The department
14 35 of human services, division of insurance of the department of



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15 1 commerce, department of public health, department of revenue,
15 2 department of workforce development, and other appropriate
15 3 agencies, shall develop a plan to meet the requirements of the
15 4 federal Patient Protection and Affordable Care Act, Pub. L.
15 5 No. 111=148, relating to a health benefit exchange. The plan
15 6 shall address issues relating to eligibility determinations
15 7 for Medicaid, hawk=i, and tax credit subsidies; information
15 8 technology and process reengineering; necessary policy,
15 9 statutory, and regulatory changes; financing; and tools
15 10 and strategies necessary for implementation. The plan
15 11 shall provide for integration and seamless operation of the
15 12 eligibility system, which shall be housed within the department
15 13 of human services, with the Iowa health benefit exchange, if
15 14 created. The departments shall submit a joint plan to the
15 15 joint appropriations subcommittee on health and human services
15 16 by October 15, 2011.

15 17 Sec. 13. BENCHMARK PLAN DEVELOPMENT ==== ANALYSIS OF
15 18 INCLUSION OF BEHAVIORAL HEALTH BENEFITS. The department of
15 19 human services shall analyze how the inclusion of behavioral
15 20 health benefits in a benchmark plan developed under the
15 21 federal Patient Protection and Affordable Care Act, Pub. L. No.
15 22 111=148, would impact the delivery and financing of behavioral
15 23 health services in the state. The department shall report its
15 24 findings to the joint appropriations subcommittee on health and
15 25 human services no later than October 15, 2011.

15 26 Sec. 14. FEDERAL FUNDING OPPORTUNITIES. The department
15 27 of human services, department of public health, division of
15 28 insurance of the department of commerce, and other affected
15 29 state agencies shall pursue all federal funding opportunities
15 30 under the federal Patient Protection and Affordable Care Act,
15 31 Pub. L. No. 111=148, including but not limited to funding
15 32 relating to implementation funding for the health benefit
15 33 exchange and eligibility system planning and implementation.
15 34 The departments shall coordinate efforts to the maximum extent
15 35 possible and shall report their activities on a monthly basis



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16 1 to the joint appropriations subcommittee on health and human
16 2 services.
16 3 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
16 4 Act, being deemed of immediate importance, takes effect upon
16 5 enactment.

EXPLANATION

16 7 This bill relates to health care and health policy.
16 8 Division I of the bill relates to health care infrastructure
16 9 and creates a division of health policy within the department
16 10 of public health (DPH). The bill amends certificate of
16 11 need exclusions relating to outpatient surgical facilities,
16 12 hospitals, and nursing facilities. The bill also provides for
16 13 retention of certificate of need fees by the department for
16 14 administration of the program. Current law directs DPH to
16 15 coordinate public and private efforts to develop and maintain
16 16 an appropriate health care infrastructure and workforce.
16 17 Current law also directs DPH to develop a strategic plan to
16 18 address various components of the health care infrastructure
16 19 and workforce. Current law directs DPH to utilize a technical
16 20 advisory committee to assist in the development of the
16 21 strategic plan.
16 22 Under the bill, the division of health policy is created
16 23 in DPH to fulfill the duties of the department in integrating
16 24 public and private efforts in formulating and implementing
16 25 a state health policy agenda that addresses the health care
16 26 infrastructure and workforce, cultural transformation to
16 27 emphasize health and wellness across all sectors, and the
16 28 collection, analysis, and use of cost and quality data. The
16 29 bill provides that the administrator of the division is to
16 30 be a health economist and directs the division to establish
16 31 a technical advisory council to assist the division in
16 32 development of policy priorities and the strategic plan.
16 33 The bill specifies the duties of the division relating
16 34 to development of a strategic plan, collection of data, and
16 35 development of a blueprint to make Iowa one of the healthiest



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17 1 states by the year 2014.

17 2 The bill specifies the components of the strategic plan
17 3 including the addressing of a health care system assessment and
17 4 objectives; certificate of need determinations; data resources;
17 5 an all=payer claims database; evaluation of trends; rural
17 6 health care resources; workforce resources; a provider payment
17 7 system; a blueprint for a healthy Iowa; and long=term living.

17 8 The bill directs the division of health policy to develop
17 9 a timeline for completion and submission of the components of
17 10 the strategic plan to the governor and the general assembly.

17 11 The bill directs the division to complete and submit the
17 12 components relating to certificate of need determinations, the
17 13 all=payer claims database, and the provider payment system to
17 14 the governor and the general assembly by October 1, 2011. The
17 15 bill authorizes the division to contract with public or private
17 16 entities to provide impartial, evidence=based research and
17 17 analysis in developing the components of the strategic plan.

17 18 Division I takes effect upon enactment.

17 19 Division II of the bill relates to medication therapy
17 20 management. The bill directs that the pilot program for
17 21 medication therapy management implemented on July 1, 2010, for
17 22 eligible state employees is to be expanded and the contract for
17 23 the program amended to include employees of the state board of
17 24 regents or institutions under the state board of regents and
17 25 employees of governmental subdivisions at the election of the
17 26 governmental subdivision. The bill repeals the pilot program
17 27 and codifies the newly expanded program. Division II takes
17 28 effect upon enactment.

17 29 Division III of the bill provides directives to state
17 30 departments relative to provisions in the federal Patient
17 31 Protection and Affordability Act.

17 32 Division III directs the department of human services,
17 33 division of insurance, department of public health,
17 34 department of revenue, department of workforce development,
17 35 and other appropriate agencies, to develop a plan to meet



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18 1 the requirements of the federal Act relating to a health
18 2 benefit exchange. The plan is to address issues relating to
18 3 eligibility determinations for Medicaid, hawk=i, and tax credit
18 4 subsidies; information technology and process reengineering;
18 5 necessary policy, statutory, and regulatory changes; financing;
18 6 and tools and strategies necessary for implementation. The
18 7 plan is to provide for integration and seamless operation
18 8 of the eligibility system, which shall be housed within the
18 9 department of human services, with the Iowa health benefit
18 10 exchange, if created.

18 11 Division III directs the department of human services to
18 12 analyze how the inclusion of behavioral health benefits in
18 13 a benchmark plan under the federal Patient Protection and
18 14 Affordable Care Act would impact the delivery and financing of
18 15 behavioral health services in the state. The department is to
18 16 report its findings to the joint appropriations subcommittee on
18 17 health and human services no later than October 15, 2011.

18 18 Division III also directs the department of human services,
18 19 department of public health, division of insurance, and
18 20 other affected state agencies to pursue all federal funding
18 21 opportunities under the federal Act including but not
18 22 limited to funding relating to implementation funding for the
18 23 health benefit exchange and eligibility system planning and
18 24 implementation. The bill directs the departments to coordinate
18 25 efforts to the maximum extent possible and to report their
18 26 activities on a monthly basis to the joint appropriations
18 27 subcommittee on health and human services.

18 28 Division III takes effect upon enactment.

LSB 2122SS (3) 84

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Senate Study Bill 1071

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to programs and activities under the purview of
2 the department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1230DP (15) 84
pf/nh



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1 1 DIVISION I
1 2 IOWA HEALTH WORKFORCE CENTER
1 3 Section 1. Section 135.11, subsection 27, Code 2011, is
1 4 amended by striking the subsection.
1 5 Sec. 2. NEW SECTION. 135.179 Iowa health workforce center
1 6 ~~====~~ established ~~====~~ duties.
1 7 1. An Iowa health workforce center is established within the
1 8 division of health promotion and chronic disease prevention of
1 9 the department.
1 10 2. The center shall do all of the following:
1 11 a. Coordinate public and private efforts to develop and
1 12 maintain an appropriate health care delivery infrastructure and
1 13 a stable, well-qualified, diverse, and sustainable health care
1 14 workforce in this state.
1 15 b. Develop a biennial strategic plan for health care
1 16 delivery infrastructure and health care workforce resources in
1 17 this state.
1 18 c. Provide for the continuous collection of data to provide
1 19 a basis for health care strategic planning and health care
1 20 policymaking.
1 21 d. Make recommendations regarding the health care delivery
1 22 infrastructure and the health care workforce that assist
1 23 in monitoring current needs, predicting future trends, and
1 24 informing policymaking.
1 25 e. Leverage federal, state, and local resources to support
1 26 programs under the purview of the center.
1 27 DIVISION II
1 28 TOBACCO ENFORCEMENT
1 29 Sec. 3. Section 142A.4, subsection 14, Code 2011, is amended
1 30 by striking the subsection.
1 31 Sec. 4. Section 142A.5, subsection 1, paragraph e, Code
1 32 2011, is amended to read as follows:
1 33 e. ~~Enter into contracts with the alcoholic beverages~~
~~1 34 division of the department of commerce, to provide enforcement~~
~~1 35 of tobacco laws and regulations. Such contracts shall require~~



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~~2 1~~ Ensure that ~~enforcement~~ efforts to enforce tobacco laws and
2 2 regulations include training of local authorities who issue
2 3 retailer permits and education of retailers.
2 4 DIVISION III
2 5 COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS
2 6 Sec. 5. Section 139A.2, subsections 5 and 8, Code 2011, are
2 7 amended to read as follows:
2 8 5. "Contagious or infectious disease" means hepatitis in any
2 9 form, meningococcal disease, AIDS or HIV as defined in section
2 10 141A.1, tuberculosis, and any other disease, ~~with the exception~~
~~2 11 of AIDS or HIV infection as defined in section 141A.1,~~
2 12 determined to be life-threatening to a person exposed to the
2 13 disease as established by rules adopted by the department,
2 14 based upon a determination by the state epidemiologist and in
2 15 accordance with guidelines of the centers for disease control
2 16 and prevention of the United States department of health and
2 17 human services.
2 18 8. "Exposure" means ~~the risk of contracting disease as~~
~~2 19 determined by the centers for disease control and prevention~~
~~2 20 of the United States department of health and human services~~
~~2 21 and adopted by rule of the department a specific eye, mouth,~~
2 22 other mucous membrane, nonintact skin, or parenteral contact
2 23 with blood or other potentially infectious bodily fluids.
2 24 Sec. 6. Section 139A.2, Code 2011, is amended by adding the
2 25 following new subsection:
2 26 NEW SUBSECTION. 23A. "Significant exposure" means a
2 27 situation in which there is a risk of contracting disease
2 28 through exposure to a person's infectious bodily fluids
2 29 in a manner capable of transmitting an infectious agent as
2 30 determined by the centers for disease control and prevention of
2 31 the United States department of health and human services and
2 32 adopted by rule of the department.
2 33 Sec. 7. Section 139A.19, Code 2011, is amended to read as
2 34 follows:
2 35 139A.19 Care provider notification.



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3 1 1. a. Notwithstanding any provision of this chapter to the
3 2 contrary, if a care provider sustains ~~an~~ a significant exposure
3 3 from an individual while rendering health care services or
3 4 other services, the individual to whom the care provider was
3 5 exposed is deemed to consent to a test to determine if the
3 6 individual has a contagious or infectious disease and is deemed
3 7 to consent to notification of the care provider of the results
3 8 of the test, upon submission of ~~an~~ a significant exposure
3 9 report by the care provider to the hospital, clinic, other
3 10 health facility, or other person specified in this section
3 11 to whom the individual is delivered by the care provider
3 12 as determined by rule. ~~The exposure report form may be~~
~~3 13 incorporated into the Iowa prehospital care report, the Iowa~~
~~3 14 prehospital advanced care report, or a similar report used~~
~~3 15 by an ambulance, rescue, or first response service or law~~
~~3 16 enforcement agency.~~
3 17 b. The hospital, clinic, or other health facility in which
3 18 the significant exposure occurred or other person specified in
3 19 this section to whom the individual is delivered shall conduct
3 20 the test. If the individual is delivered by the care provider
3 21 to an institution administered by the Iowa department of
3 22 corrections, the test shall be conducted by the staff physician
3 23 of the institution. If the individual is delivered by the
3 24 care provider to a jail, the test shall be conducted by the
3 25 attending physician of the jail or the county medical examiner.
3 26 The sample and test results shall only be identified by a
3 27 number ~~and shall not otherwise identify the individual tested.~~
3 28 c. A hospital, clinic, or other health facility,
3 29 institutions administered by the department of corrections,
3 30 and jails shall have written policies and procedures for
3 31 notification of a care provider under this section. The
3 32 policies and procedures shall include designation of a
3 33 representative of the care provider to whom notification shall
3 34 be provided and who shall, in turn, notify the care provider.
3 35 The identity of the designated representative of the care



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4 1 provider shall not be revealed to the individual tested.
4 2 The designated representative shall inform the hospital,
4 3 clinic, or other health facility, institution administered
4 4 by the department of corrections, or jail of those parties
4 5 who received the notification, and following receipt of
4 6 this information and upon request of the individual tested,
4 7 the hospital, clinic, or other health facility, institution
4 8 administered by the department of corrections, or jail shall
4 9 inform the individual of the parties to whom notification was
4 10 provided.

4 11 d. Notwithstanding any other provision of law to the
4 12 contrary, a care provider may transmit cautions regarding
4 13 contagious or infectious disease information, with the
4 14 exception of AIDS or HIV pursuant to section 80.9B, in the
4 15 course of the care provider's duties over the police radio
4 16 broadcasting system under chapter 693 or any other radio-based
4 17 communications system if the information transmitted does not
4 18 personally identify an individual.

4 19 2. a. If the test results are positive, the hospital,
4 20 clinic, other health facility, or other person performing the
4 21 test shall notify the subject of the test and make any required
4 22 reports to the department pursuant to sections 139A.3 and
4 23 141A.6. The report to the department shall include the name of
4 24 the individual tested.

4 25 b. If the individual tested is diagnosed or confirmed
4 26 as having a contagious or infectious disease, the hospital,
4 27 clinic, other health facility, or other person conducting
4 28 the test shall notify the care provider or the designated
4 29 representative of the care provider who shall then notify the
4 30 care provider.

~~4 31 3. The notification to the care provider shall advise the~~
~~4 32 care provider of possible exposure to a particular contagious~~
~~4 33 or infectious disease and recommend that the care provider seek~~
~~4 34 medical attention.~~

4 35 c. The notification to the care provider shall be provided



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5 1 as soon as is reasonably possible following determination
5 2 that the ~~individual~~ subject of the test has a contagious or
5 3 infectious disease. The notification shall not include the
5 4 name of the individual tested for the contagious or infectious
5 5 disease unless the individual consents. If the care provider
5 6 who sustained ~~an~~ a significant exposure determines the identity
5 7 of the individual diagnosed or confirmed as having a contagious
5 8 or infectious disease, the identity of the individual shall be
5 9 confidential information and shall not be disclosed by the care
5 10 provider to any other person unless a specific written release
5 11 is obtained from the individual diagnosed with or confirmed as
5 12 having a contagious or infectious disease.

~~5 13 4. This section does not require or permit, unless otherwise
5 14 provided, a hospital, health care provider, or other person to
5 15 administer a test for the express purpose of determining the
5 16 presence of a contagious or infectious disease, except that
5 17 testing may be performed if the individual consents and if the
5 18 requirements of this section are satisfied.~~

5 19 ~~5.~~ 3. This section does not preclude a hospital, clinic,
5 20 other health facility, or a health care provider from providing
5 21 notification to a care provider under circumstances in
5 22 which the hospital's, clinic's, other health facility's, or
5 23 health care provider's policy provides for notification of
5 24 the hospital's, clinics, other health facility's, or health
5 25 care provider's own employees of exposure to a contagious or
5 26 infectious disease that is not life-threatening if the notice
5 27 does not reveal a patient's name, unless the patient consents.

5 28 ~~6.~~ 4. A hospital, clinic, other health facility, or health
5 29 care provider, or other person participating in good faith in
5 30 complying with provisions authorized or required under this
5 31 section is immune from any liability, civil or criminal, which
5 32 might otherwise be incurred or imposed.

5 33 ~~7.~~ 5. A hospital's, clinic's, other health facility's, or
5 34 health care provider's duty ~~of notification~~ to notify under
5 35 this section is not continuing but is limited to a diagnosis



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6 1 of a contagious or infectious disease made in the course of
6 2 admission, care, and treatment following the rendering of
6 3 health care services or other services to ~~which notification~~
~~6 4 under this section applies~~ the individual who was the source of
6 5 the significant exposure.

6 6 6. Notwithstanding subsection 5, the hospital, clinic, or
6 7 other health facility may provide a procedure for notifying
6 8 the exposed care provider if, following discharge from or
6 9 completion of care or treatment by the hospital, clinic, or
6 10 other health facility, the individual who was the source of
6 11 the significant exposure, and for whom a significant exposure
6 12 report was submitted that did not result in notification of the
6 13 exposed care provider, wishes to provide information regarding
6 14 the source individual's contagious or infectious disease status
6 15 to the exposed care provider.

6 16 ~~8.~~ 7. A hospital, clinic, other health facility, health
6 17 care provider, or other person who is authorized to perform a
6 18 test under this section who performs the test in compliance
6 19 with this section or who fails to perform the test authorized
6 20 under this section, is immune from any liability, civil or
6 21 criminal, which might otherwise be incurred or imposed.

6 22 ~~9.~~ 8. A hospital, clinic, other health facility, health
6 23 care provider, or other person who is authorized to perform
6 24 a test under this section has no duty to perform the test
6 25 authorized.

6 26 ~~10.~~ 9. The department shall adopt rules pursuant to chapter
6 27 17A to administer this section. The department may determine
6 28 by rule the contagious or infectious diseases for which testing
6 29 is reasonable and appropriate and which may be administered
6 30 under this section.

6 31 ~~11.~~ 10. The employer of a care provider who sustained
6 32 an a significant exposure under this section shall pay the
6 33 costs of testing for the individual who is the source of the
6 34 significant exposure and of the testing of the care provider,
6 35 if the significant exposure was sustained during the course



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7 1 of employment. However, the department shall ~~pay the costs~~
7 2 ~~of testing for the~~ assist an individual who is the source
7 3 of the significant exposure ~~and in finding resources to pay~~
7 4 ~~for the costs of the testing of the~~ and shall assist a care
7 5 provider who renders direct aid without compensation ~~in finding~~
7 6 resources to pay for the cost of the test.

7 7 Sec. 8. Section 139A.33, Code 2011, is amended to read as
7 8 follows:

7 9 139A.33 Determination of source ~~====~~ partner notification
7 10 program.

7 11 ~~The local board or the department shall use every available~~
7 12 ~~means to determine the source and spread of any infectious case~~
7 13 ~~of sexually transmitted disease or infection which is reported.~~

7 14 1. The department shall maintain a partner notification
7 15 program for persons known to have tested positive for a
7 16 reportable sexually transmitted disease or infection.

7 17 2. In administering the program, the department shall
7 18 provide for all of the following:

7 19 a. A person who voluntarily participates in the program
7 20 shall receive post=test counseling during which time the person
7 21 shall be encouraged to refer for counseling and testing any
7 22 person with whom the person has had sexual relations or has
7 23 shared drug injecting equipment.

7 24 b. The physician or other health care provider attending the
7 25 person may provide to the department any relevant information
7 26 provided by the person regarding any person with whom the
7 27 tested person has had sexual relations or has shared drug
7 28 injecting equipment.

7 29 3. The department may delegate its partner notification
7 30 duties under this section to local health authorities or a
7 31 physician or other health care provider, as provided by rules
7 32 adopted by the department.

7 33 4. In making contact with sexual or drug equipment=sharing
7 34 partners, the department or its designee shall not disclose the
7 35 identity of the person who provided the names of the persons



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8 1 to be contacted and shall protect the confidentiality of the
8 2 persons contacted.

8 3 5. a. This section shall not be interpreted as creating
8 4 a duty to warn third parties of the danger of exposure to a
8 5 sexually transmitted disease or infection through contact with
8 6 a person who tests positive for a sexually transmitted disease.

8 7 b. This section shall not be interpreted to require the
8 8 department to provide partner notification services to all
8 9 persons who have tested positive for a sexually transmitted
8 10 disease or infection.

8 11 DIVISION IV
8 12 AIDS UPDATE

8 13 Sec. 9. Section 141A.1, subsections 2, 11, 13, 15, and 18,
8 14 Code 2011, are amended to read as follows:

8 15 2. "AIDS=related conditions" means any condition resulting
8 16 from ~~the~~ human immunodeficiency virus infection that meets the
8 17 definition of AIDS as established by the centers for disease
8 18 control and prevention of the United States department of
8 19 health and human services.

8 20 11. "HIV=related condition" means any condition resulting
8 21 from ~~the~~ human immunodeficiency virus infection.

8 22 13. "Infectious bodily fluids" means bodily fluids capable
8 23 of transmitting HIV ~~infection~~ as determined by the centers for
8 24 disease control and prevention of the United States department
8 25 of health and human services and adopted by rule of the
8 26 department.

8 27 15. "Nonblinded epidemiological studies" means studies
8 28 in which specimens are collected for the express purpose
8 29 of testing for ~~the~~ HIV infection and persons included in
8 30 the nonblinded study are selected according to established
8 31 criteria.

8 32 18. "Significant exposure" means ~~the~~ a situation in which
8 33 there is a risk of contracting HIV ~~infection by means of~~
~~8 34 through~~ exposure to a person's infectious bodily fluids in a
8 35 manner capable of transmitting HIV ~~infection~~ as determined by



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9 1 the centers for disease control and prevention of the United
9 2 States department of health and human services and adopted by
9 3 rule of the department.

9 4 Sec. 10. Section 141A.1, Code 2011, is amended by adding the
9 5 following new subsection:

9 6 NEW SUBSECTION. 6A. "Exposure" means a specific eye, mouth,
9 7 other mucous membrane, nonintact skin, or parenteral contact
9 8 with blood or other potentially infectious bodily fluids.

9 9 Sec. 11. Section 141A.2, subsection 5, Code 2011, is amended
9 10 to read as follows:

9 11 5. The department shall coordinate efforts with local
9 12 health officers to investigate sources of HIV infection and use
9 13 every appropriate means to prevent the spread of ~~the infection~~
9 14 HIV.

9 15 Sec. 12. Section 141A.3, subsection 2, paragraph b, Code
9 16 2011, is amended to read as follows:

9 17 b. Provide health information to the public regarding HIV
9 18 ~~infection~~, including information about how ~~the infection~~ HIV
9 19 is transmitted and how transmittal can be prevented. The
9 20 department shall prepare and distribute information regarding
9 21 HIV infection transmission and prevention.

9 22 Sec. 13. Section 141A.4, subsection 1, Code 2011, is amended
9 23 to read as follows:

9 24 1. HIV testing and education shall be offered to persons who
9 25 are at risk for HIV infection including all of the following:

9 26 a. Males who have had sexual relations with other males.

9 27 b. All persons testing positive for a sexually transmitted
9 28 disease.

9 29 ~~b.~~ c. All persons having a history of injecting drug abuse.

9 30 ~~c.~~ d. Male and female sex workers and those who trade sex
9 31 for drugs, money, or favors.

9 32 ~~d.~~ e. Sexual partners of HIV=infected persons.

9 33 ~~e.~~ f. Persons whose sexual partners are identified in
9 34 paragraphs "a" through ~~"d"~~ "e".

9 35 Sec. 14. Section 141A.5, subsection 2, paragraph c,



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10 1 subparagraph (1), subparagraph division (a), Code 2011, is
10 2 amended to read as follows:

10 3 (a) A physician for the infected person is of the good
10 4 faith opinion that the nature of the continuing contact poses
10 5 an imminent danger of HIV ~~infection~~ transmission to the third
10 6 party.

10 7 Sec. 15. Section 141A.6, subsection 1, Code 2011, is amended
10 8 to read as follows:

10 9 1. Prior to undergoing ~~an~~ a voluntary HIV-related test,
10 10 information shall be available to the subject of the test
10 11 concerning testing and any means of obtaining additional
10 12 information regarding HIV ~~infection~~ transmission and risk
10 13 reduction. If an individual signs a general consent form for
10 14 the performance of medical tests or procedures, the signing
10 15 of an additional consent form for the specific purpose of
10 16 consenting to an HIV-related test is not required during
10 17 the time in which the general consent form is in effect.
10 18 If an individual has not signed a general consent form
10 19 for the performance of medical tests and procedures or the
10 20 consent form is no longer in effect, a health care provider
10 21 shall obtain oral or written consent prior to performing an
10 22 HIV-related test. If an individual is unable to provide
10 23 consent, the individual's legal guardian may provide consent.
10 24 If the individual's legal guardian cannot be located or is
10 25 unavailable, a health care provider may authorize the test
10 26 when the test results are necessary for diagnostic purposes to
10 27 provide appropriate urgent medical care.

10 28 Sec. 16. Section 141A.9, subsection 2, paragraph i, Code
10 29 2011, is amended to read as follows:

10 30 i. Pursuant to ~~section~~ sections 915.42 and 915.43, to a
10 31 convicted or alleged sexual assault offender; the physician or
10 32 other health care provider who orders the test of a convicted
10 33 or alleged offender; the victim; the parent, guardian, or
10 34 custodian of the victim if the victim is a minor; the physician
10 35 of the victim if requested by the victim; the victim counselor



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11 1 or person requested by the victim to provide counseling
11 2 regarding the HIV-related test and results; the victim's
11 3 spouse; persons with whom the victim has engaged in vaginal,
11 4 anal, or oral intercourse subsequent to the sexual assault;
11 5 members of the victim's family within the third degree of
11 6 consanguinity; and the county attorney who may use the results
11 7 as evidence in the prosecution of sexual assault under chapter
11 8 915, subchapter IV, or prosecution of the offense of criminal
11 9 transmission of HIV under chapter 709C. For the purposes of
11 10 this paragraph, "victim" means victim as defined in section
11 11 915.40.

11 12 Sec. 17. Section 141A.9, subsection 3, Code 2011, is amended
11 13 to read as follows:

11 14 3. Release may be made of medical or epidemiological
11 15 information for research or statistical purposes in a manner
11 16 such that no individual person can be identified.

11 17 Sec. 18. Section 141A.9, Code 2011, is amended by adding the
11 18 following new subsection:

11 19 NEW SUBSECTION. 8. Medical information secured pursuant
11 20 to subsection 1 may be shared with other state or federal
11 21 agencies, with employees or agents of the department, or
11 22 with local units of government, who have a need for the
11 23 information in the performance of their duties related to HIV
11 24 prevention, disease surveillance, or care of persons with HIV,
11 25 only as necessary to administer the program for which the
11 26 information is collected or to administer a program within the
11 27 other agency. Confidential information transferred to other
11 28 entities under this subsection shall continue to maintain
11 29 its confidential status and shall not be rereleased by the
11 30 receiving entity.

11 31 Sec. 19. Section 141A.10, subsection 2, Code 2011, is
11 32 amended to read as follows:

11 33 2. A health care provider attending a person who tests
11 34 positive for ~~the~~ HIV infection has no duty to disclose to
11 35 or to warn third parties of the dangers of exposure to HIV



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12 1 infection through contact with that person and is immune from
12 2 any liability, civil or criminal, for failure to disclose to or
12 3 warn third parties of the condition of that person.

12 4 Sec. 20. REPEAL. Section 141A.8, Code 2011, is repealed.

12 5 DIVISION V

12 6 MISCELLANEOUS PROVISIONS

12 7 Sec. 21. Section 135.11, subsection 13, Code 2011, is
12 8 amended to read as follows:

12 9 13. Administer ~~the statewide public health nursing,~~
~~12 10 homemaker-home health aide, and senior health programs~~ healthy
12 11 aging and essential public health services by approving grants
12 12 of state funds to the local boards of health and the county
~~12 13 boards of supervisors for the purposes of promoting healthy~~
12 14 aging throughout the lifespan and enhancing health promotion
12 15 and disease prevention services, and by providing guidelines
12 16 for the approval of the grants and allocation of the state
12 17 funds. ~~Program direction~~ Guidelines, evaluation requirements,
12 18 and formula allocation procedures for ~~each of the programs~~
~~12 19 services~~ shall be established by the department by rule.

12 20 Sec. 22. Section 135A.5, subsection 1, Code 2011, is amended
12 21 to read as follows:

12 22 1. A governmental public health evaluation committee
12 23 is established to develop, and implement, ~~and evaluate the~~
12 24 evaluation of the governmental public health system and
12 25 voluntary accreditation program. The committee shall meet
12 26 at least quarterly. The committee shall consist of no fewer
12 27 than eleven members and no more than thirteen members. The
12 28 members shall be appointed by the director of the department.
12 29 The director may solicit and consider recommendations from
12 30 professional organizations, associations, and academic
12 31 institutions in making appointments to the committee.

12 32 Sec. 23. REPEAL. Section 135.162, Code 2011, is repealed.

12 33 EXPLANATION

12 34 This bill relates to programs and activities under the
12 35 purview of the department of public health (DPH).



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13 1 Division I relates to the creation of an Iowa health
13 2 workforce center. The division eliminates an existing
13 3 directive to the department to establish and administer a
13 4 program relating to workforce supply and instead establishes
13 5 an Iowa health workforce center in the division of health
13 6 promotion and chronic disease prevention of DPH and specifies
13 7 its duties.

13 8 Division II relates to tobacco enforcement by eliminating
13 9 the requirement that DPH contract with the alcoholic beverages
13 10 division for enforcement. Instead, the department is directed
13 11 to ensure that enforcement efforts include training of local
13 12 authorities who issue retailer permits and education of
13 13 retailers.

13 14 Division III relates to communicable and infectious diseases
13 15 and poisonings. The bill includes AIDS and HIV, which were
13 16 previously excluded, in the definition of "contagious and
13 17 infectious disease" under Code chapter 139A (contagious and
13 18 infectious diseases and poisonings); provides new definitions
13 19 for "exposure" and "significant exposure"; amends provisions
13 20 for the notification of care providers who may have had a
13 21 significant exposure; provides for the reporting of positive
13 22 test results to the department; authorizes the notification
13 23 of a care provider after the individual who was the source of
13 24 a significant exposure is released from a hospital or other
13 25 health facility if the test did not result in notification
13 26 of the care provider, but the individual wishes to provide
13 27 information to the care provider regarding the individual's
13 28 contagious or infectious disease status; amends a provision
13 29 that required DPH to pay the cost of testing of the individual
13 30 who is the source of a significant exposure and of a care
13 31 provider who renders direct aid without compensation and
13 32 instead requires DPH to assist these individuals in finding
13 33 resources to pay for the testing; and establishes a partner
13 34 notification program for those persons known to have tested
13 35 positive for a reportable sexually transmitted disease or



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14 1 infection.

14 2 Division IV relates to acquired immunodeficiency syndrome
14 3 provisions. The division amends definitions of exposure and
14 4 significant exposure; adds men who have sexual relations with
14 5 other men to the list of persons who are at risk for HIV and
14 6 to whom HIV testing and education are to be offered; clarifies
14 7 that the consent, testing, and reporting requirements are
14 8 applicable to HIV-related testing that is voluntary; eliminates
14 9 the care provider notification program since this program is
14 10 combined with the care provider program for communicable and
14 11 infectious diseases under Code chapter 139A in division III
14 12 of the bill; includes a reference to the section relating to
14 13 the right to HIV testing of a convicted or alleged assailant
14 14 in the context of confidentiality of information; allows for
14 15 the release of medical or epidemiological information for
14 16 the purpose of research as well as statistical purposes; and
14 17 provides for the sharing of medical information obtained,
14 18 submitted, or maintained under the chapter with other state
14 19 or federal agencies or local units of government only as
14 20 necessary to administer the program for which the information
14 21 is collected or a program within the other entity, but such
14 22 information is to maintain its confidential status not be
14 23 released.

14 24 Division V includes miscellaneous provisions. One provision
14 25 relates to healthy aging and updates language to eliminate
14 26 discontinued programs. The language also eliminates county
14 27 boards of supervisors as potential recipients of grants to
14 28 promote healthy aging and limits grants to local boards of
14 29 health. The bill amends a provision in the Iowa public health
14 30 modernization Act to clarify that the public health evaluation
14 31 committee is to develop and implement the evaluation of the
14 32 governmental public health system, not develop and implement
14 33 the system itself. The division also eliminates the clinicians
14 34 advisory panel. Clinical input is being provided directly by
14 35 physicians participating in the entities the advisory panel



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15 1 was to advise, the medical home advisory council, and the
15 2 prevention and chronic care management initiative.

LSB 1230DP (15) 84

pf/nh



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Senate Study Bill 1072

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the practices and procedures of the
2 department of public safety including the state fire service
3 and emergency response council, the state building code
4 commissioner, fingerprint records, disposition records,
5 the sex offender registry, and access to deferred judgment
6 docket records.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1288DP (8) 84

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1 1 Section 1. Section 100B.1, subsection 1, paragraph a,
1 2 subparagraph (1), subparagraph division (c), Code 2011, is
1 3 amended to read as follows:
1 4 (c) ~~One member~~ Two members from a list submitted by the Iowa
1 5 association of professional fire fighters.
1 6 Sec. 2. Section 100B.1, subsection 1, paragraph a,
1 7 subparagraph (1), subparagraph division (e), Code 2011, is
1 8 amended by striking the subparagraph division.
1 9 Sec. 3. Section 104B.1, subsection 4, Code 2011, is amended
1 10 by striking the subsection.
1 11 Sec. 4. Section 690.2, Code 2011, is amended to read as
1 12 follows:
1 13 690.2 Finger and palm prints ==== photographs ==== duty of
1 14 sheriff and chief of police.
1 15 The sheriff of every county, and the chief of police of
1 16 each city regardless of the form of government thereof, shall
1 17 take the fingerprints of all unidentified dead bodies in their
1 18 respective jurisdictions and all persons who are taken into
1 19 custody for the commission of a serious misdemeanor, aggravated
1 20 misdemeanor, or felony and shall forward such fingerprint
1 21 records on such forms and in such manner as may be prescribed
1 22 by the commissioner of public safety, within two working days
1 23 after the fingerprint records are taken, to the department of
1 24 public safety ~~and, if appropriate, to the federal bureau of~~
1 25 ~~investigation.~~ Fingerprints may be taken of a person who has
1 26 been arrested for a simple misdemeanor subject to an enhanced
1 27 penalty for conviction of a second or subsequent offense. In
1 28 addition to the fingerprints as herein provided, any such
1 29 officer may also take the photograph and palm prints of any
1 30 such person and forward them to the department of public
1 31 safety. If a defendant is convicted by a court of this state of
1 32 an offense which is a simple misdemeanor subject to an enhanced
1 33 penalty for conviction of a second or subsequent offense, a
1 34 serious misdemeanor, an aggravated misdemeanor, or a felony,
1 35 the court shall determine whether such defendant has previously



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2 1 been fingerprinted in connection with the criminal proceedings
2 2 leading to the conviction and, if not, shall order that the
2 3 defendant be fingerprinted and those prints submitted to the
2 4 department of public safety. The court shall also order that
2 5 a juvenile adjudicated delinquent for an offense which would
2 6 be an offense other than a simple misdemeanor if committed by
2 7 an adult, be fingerprinted and the prints submitted to the
2 8 department of public safety if the juvenile has not previously
2 9 been fingerprinted. The taking of fingerprints for a serious
2 10 misdemeanor offense under chapter 321 or 321A is not required
2 11 under this section.

2 12 Sec. 5. Section 690.4, Code 2011, is amended to read as
2 13 follows:

2 14 690.4 Fingerprints and photographs at institutions.

2 15 1. The warden of the Iowa medical and classification center
2 16 and superintendent of the state training school shall take or
2 17 procure the taking of the fingerprints, and, in the case of
2 18 the Iowa medical and classification center only, Bertillon
2 19 photographs of any person received on commitment to their
2 20 respective institutions, and shall forward such fingerprint
2 21 records and photographs within ten days after they are taken
2 22 to the department of public safety ~~and to the federal bureau~~
~~2 23 of investigation.~~ Information obtained from fingerprint cards
2 24 submitted pursuant to this section may be retained by the
2 25 department of public safety as criminal history records. If
2 26 a charge for a serious misdemeanor, aggravated misdemeanor,
2 27 or felony is brought against a person already in the custody
2 28 of a law enforcement or correctional agency and the charge is
2 29 filed in a case separate from the case for which the person
2 30 was previously arrested or confined, the agency shall take the
2 31 fingerprints of the person in connection with the new case and
2 32 submit them to the department of public safety.

2 33 2. The wardens and superintendents of all department
2 34 of corrections facilities shall procure the taking of a
2 35 photograph showing the facial features of each inmate of a



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3 1 state correctional institution prior to the inmate's discharge.
3 2 The photograph shall be placed in the inmate's file and shall
3 3 be made available to the Iowa department of public safety upon
3 4 request.

3 5 Sec. 6. Section 692.15, subsection 6, Code 2011, is amended
3 6 to read as follows:

3 7 6. Any disposition report shall be sent to the department
3 8 within thirty days after disposition either electronically or
3 9 on a printed form provided by the department.

3 10 Sec. 7. Section 692A.102, subsection 1, paragraph a,
3 11 subparagraph (6), subparagraph division (b), Code 2011, is
3 12 amended to read as follows:

3 13 (b) Stalking in violation of section 708.11, ~~except a~~
~~3 14 violation of subsection 3, paragraph "b", subparagraph (3), if~~
3 15 a determination is made that the offense was sexually motivated
3 16 pursuant to section 692A.126, ~~except a violation of section~~
3 17 ~~708.11, subsection 3, paragraph "b", subparagraph (3), shall be~~
3 18 classified a tier II offense as provided in paragraph "b".

3 19 Sec. 8. Section 692A.126, subsection 1, paragraph g, Code
3 20 2011, is amended to read as follows:

3 21 g. Stalking in violation of section 708.11, ~~subsection 3,~~
~~3 22 paragraph "b", subparagraph (3).~~

3 23 Sec. 9. Section 907.4, Code 2011, is amended to read as
3 24 follows:

3 25 907.4 Deferred judgment docket.

3 26 A deferment of judgment under section 907.3 shall be entered
3 27 promptly by the clerk of the district court, or the clerk's
3 28 designee, into the deferred judgment database of the state,
3 29 which shall serve as the deferred judgment docket. The docket
3 30 shall contain a permanent record of the deferred judgment
3 31 including the name and date of birth of the defendant, the
3 32 district court docket number, the nature of the offense, and
3 33 the date of the deferred judgment. Before granting deferred
3 34 judgment in any case, the court shall search the deferred
3 35 judgment docket and shall consider any prior record of a



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4 1 deferred judgment against the defendant. The permanent record
4 2 provided for in this section is a confidential record exempted
4 3 from public access under section 22.7 and shall be available
4 4 only to justices of the supreme court, judges of the court of
4 5 appeals, district judges, district associate judges, judicial
4 6 magistrates, clerks of the district court, judicial district
4 7 departments of correctional services, county attorneys, the
4 8 department of public safety, and the department of corrections
4 9 requesting information pursuant to this section, or the
4 10 designee of a justice, judge, magistrate, clerk, judicial
4 11 district department of correctional services, or county
4 12 attorney, or department.

4 13 EXPLANATION

4 14 This bill relates to the practices and procedures of the
4 15 department of public safety.

4 16 The bill changes the membership on the state fire service
4 17 and emergency response council. The bill strikes the member
4 18 on the council from the Iowa fire fighters group and adds an
4 19 additional member to the council from the Iowa association of
4 20 professional fire fighters.

4 21 The bill eliminates the authority of the state building
4 22 code commissioner to adopt rules to enforce Code chapter 104B
4 23 (minimum plumbing facilities). The plumbing and mechanical
4 24 systems board's authority to establish rules relating to
4 25 plumbing is not affected by the bill.

4 26 The bill eliminates the requirement that a local law
4 27 enforcement agency, the department of corrections, the warden
4 28 of the Iowa medical and classification center, and the state
4 29 training school to send fingerprints, and in some cases
4 30 photographs, to the federal bureau of investigation (FBI).
4 31 The bill does not eliminate the requirement of such entities
4 32 to send fingerprints, palm prints, and photographs to the
4 33 department of public safety.

4 34 The bill specifies that the courts may send the disposition
4 35 records of criminal cases to the department of public safety



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5 1 in an electronic format. Current law requires the disposition
5 2 records of criminal cases to be sent by the courts to the
5 3 department of public safety on a form prescribed by the
5 4 department.

5 5 The bill specifies that all persons who commit stalking
5 6 in violation of Code section 708.11 shall register as a sex
5 7 offender under Code chapter 692A, if the finder of fact (judge
5 8 or jury) determines the offense was sexually motivated.

5 9 The bill permits the department of public safety to have
5 10 access to the deferred judgment docket. Current law allows
5 11 judges and other state agencies access to the deferred judgment
5 12 docket. A deferred judgment is a sentencing option where both
5 13 the adjudication of guilt and the imposition of a sentence are
5 14 deferred by the court.

LSB 1288DP (8) 84

jm/nh



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Senate Study Bill 1073

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

A BILL FOR

1 An Act relating to interpreters and translators for limited
2 English proficient participants in legal proceedings and in
3 court-ordered programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1280DP (6) 84
rh/rj



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1 1 Section 1. Section 232.141, subsections 1 and 2, Code 2011,
1 2 are amended to read as follows:

1 3 1. Except as otherwise provided by law, the court shall
1 4 inquire into the ability of the child or the child's parent
1 5 to pay expenses incurred pursuant to subsections 2, 4, and 8.
1 6 After giving the parent a reasonable opportunity to be heard,
1 7 the court may order the parent to pay all or part of the costs
1 8 of the child's care, examination, treatment, legal expenses,
1 9 or other expenses, excluding the costs and fees of interpreter
1 10 and translator services. An order entered under this section
1 11 does not obligate a parent paying child support under a custody
1 12 decree, except that part of the monthly support payment may be
1 13 used to satisfy the obligations imposed by the order entered
1 14 pursuant to this section. If a parent fails to pay as ordered,
1 15 without good reason, the court may proceed against the parent
1 16 for contempt and may inform the county attorney who shall
1 17 proceed against the parent to collect the unpaid amount. Any
1 18 payment ordered by the court shall be a judgment against each
1 19 of the child's parents and a lien as provided in section
1 20 624.23. If all or part of the amount that the parents are
1 21 ordered to pay is subsequently paid by the county or state,
1 22 the judgment and lien shall thereafter be against each of the
1 23 parents in favor of the county to the extent of the county's
1 24 payments and in favor of the state to the extent of the state's
1 25 payments.

1 26 2. All of the following juvenile court expenses are a charge
1 27 upon the county in which the proceedings are held, to the
1 28 extent provided in subsection 3:

1 29 a. Juvenile court expenses incurred by an attorney appointed
1 30 by the court to serve as counsel to any party or to serve as a
1 31 guardian ad litem for any child, including fees and expenses
1 32 for ~~foreign language interpreters, costs of~~ depositions and
1 33 transcripts, fees and mileage of witnesses, and the expenses of
1 34 officers serving notices and subpoenas.

1 35 b. Reasonable compensation for an attorney appointed by the



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2 1 court to serve as counsel to any party or as guardian ad litem
2 2 for any child in juvenile court.

2 3 ~~e. Fees and expenses incurred by the juvenile court for~~
~~2 4 foreign language interpreters for court proceedings.~~

2 5 Sec. 2. Section 602.1302, subsection 3, Code 2011, is
2 6 amended to read as follows:

2 7 3. A revolving fund is created in the state treasury for
2 8 the payment of jury and witness fees, mileage, costs related to
2 9 summoning jurors by the judicial branch, costs and fees related
2 10 to the management and payment of interpreters and translators
2 11 in judicial branch legal proceedings and court=ordered
2 12 programs, and attorney fees paid by the state public defender
2 13 for counsel appointed pursuant to section 600A.6A. The
2 14 judicial branch shall deposit any reimbursements to the state
2 15 for the payment of jury and witness fees and mileage in the
2 16 revolving fund. In each calendar quarter the judicial branch
2 17 shall reimburse the state public defender for attorney fees
2 18 paid pursuant to section 600A.6B. Notwithstanding section
2 19 8.33, unencumbered and unobligated receipts in the revolving
2 20 fund at the end of a fiscal year do not revert to the general
2 21 fund of the state. The judicial branch shall on or before
2 22 February 1 file a financial accounting of the moneys in the
2 23 revolving fund with the legislative services agency. The
2 24 accounting shall include an estimate of disbursements from the
2 25 revolving fund for the remainder of the fiscal year and for the
2 26 next fiscal year.

2 27 Sec. 3. Section 622A.1, Code 2011, is amended by striking
2 28 the section and inserting in lieu thereof the following:

2 29 622A.1 Definitions.

2 30 As used in this chapter, unless the context otherwise
2 31 requires:

2 32 1. "Administrative agency" means any department, board,
2 33 commission, or agency of the state or any political subdivision
2 34 of the state.

2 35 2. "Court=ordered program" means any activity in which a



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3 1 court orders a party to participate and which is not supervised
3 2 by the department of corrections or the department of human
3 3 services.

3 4 3. "Interpreter" means a person who can accurately transfer
3 5 the meaning of words, phrases, or signs in one language into
3 6 the equivalent words, phrases, or signs in another language
3 7 and includes an oral language interpreter and a sign language
3 8 interpreter.

3 9 4. "Legal proceeding" means any action before any court,
3 10 or any legal action preparatory to appearing before any
3 11 court, whether civil, criminal, or juvenile in nature
3 12 or any proceeding before any administrative agency which
3 13 is quasi-judicial in nature and which has direct legal
3 14 implications to any person.

3 15 5. "Limited English proficient" means the inability to
3 16 adequately understand or effectively communicate in the English
3 17 language because a person's primary language is a language
3 18 other than English.

3 19 6. "Oral language interpreter" means an interpreter who is
3 20 able to interpret from one oral language into a second oral
3 21 language and from the second oral language into the first oral
3 22 language.

3 23 7. "Participant" means a party, witness, attorney, or
3 24 child, including a child who is or may be the subject of a
3 25 delinquency petition, a parent or guardian whose child is or
3 26 may be the subject of a delinquency petition, or a person who
3 27 is a guardian, conservator, or trustee in a probate case.

3 28 8. "Sign language interpreter" means an interpreter who is
3 29 able to interpret from sign language to an oral language and
3 30 from that oral language to sign language.

3 31 9. "Translator" means a person who can accurately transfer
3 32 the meaning of written words and phrases in one language into
3 33 the equivalent written words and phrases in another language.

3 34 Sec. 4. Section 622A.2, Code 2011, is amended to read as
3 35 follows:



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4 1 622A.2 Who entitled to interpreter or translator.
4 2 Every limited English proficient person who ~~cannot speak~~
4 3 ~~or understand the English language and who is a party to any~~
4 4 ~~is a participant in a legal proceeding or a witness therein,~~
4 5 ~~court=ordered program~~ shall be entitled to an interpreter or
4 6 translator to assist such person throughout the proceeding or
4 7 program.
4 8 Sec. 5. Section 622A.3, Code 2011, is amended to read as
4 9 follows:
4 10 622A.3 Costs ~~==== when taxed.~~
4 11 1. An interpreter ~~shall be~~ or translator appointed ~~without~~
4 12 ~~expense to the person requiring assistance in the following~~
4 13 ~~cases:~~ for a limited English proficient participant who is
4 14 entitled to an interpreter or translator pursuant to section
4 15 622A.2 shall be paid in accordance with this section and the
4 16 fees for interpreter or translator services shall not be
4 17 charged to the limited English proficient participant or the
4 18 parties in the case.
4 19 a. ~~If the person requiring assistance is a witness in the~~
4 20 ~~civil legal proceeding.~~
4 21 b. ~~If the person requiring assistance is indigent and~~
4 22 ~~financially unable to secure an interpreter.~~
4 23 2. ~~In civil cases, every court shall tax the cost of~~
4 24 ~~an interpreter the same as other court costs. In criminal~~
4 25 ~~cases, where the defendant is indigent, the interpreter~~
4 26 ~~shall be considered as a defendant's witness under rule~~
4 27 ~~of criminal procedure 2.15 for the purpose of receiving~~
4 28 ~~fees, except that subpoenas shall not be required. If the~~
4 29 ~~proceeding is before an administrative agency, that agency~~
4 30 ~~shall provide such interpreter but may require that a party~~
4 31 ~~to the proceeding pay the expense thereof~~ An oral language
4 32 interpreter or a translator required for a limited English
4 33 proficient participant in a judicial branch legal proceeding
4 34 or a court=ordered program shall be paid by the state court
4 35 administrator from the revolving fund established in section



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5 1 602.1302, subsection 3.

5 2 3. ~~Moneys recovered as court costs for interpreters paid~~
~~5 3 through the revolving fund established in section 602.1302,~~
~~5 4 subsection 3, shall be deposited in that fund~~ An oral
5 5 language interpreter or a translator required for a limited
5 6 English proficient participant in a legal proceeding before
5 7 an administrative agency shall be paid by the appropriate
5 8 administrative agency.

5 9 4. A sign language interpreter and a real-time court
5 10 reporter who assist a deaf or hard-of-hearing participant in a
5 11 legal proceeding before a court or an administrative agency or
5 12 in a court-ordered program shall be paid by the county pursuant
5 13 to section 622B.7.

5 14 Sec. 6. Section 622A.4, Code 2011, is amended to read as
5 15 follows:

5 16 622A.4 Fee for interpreter and translator services set by
5 17 court or administrative agency ==== payment.

5 18 ~~Every~~ An interpreter or translator appointed by a court
5 19 or administrative agency shall receive a fee to be set by
5 20 the court or administrative agency. ~~If the interpreter is~~
~~5 21 appointed by the court in a civil case for a person who is~~
~~5 22 indigent and unable to secure an interpreter, the fee for the~~
~~5 23 interpreter shall be paid from the revolving fund established~~
~~5 24 in section 602.1302, subsection 3.~~

5 25 Sec. 7. Section 622A.5, Code 2011, is amended to read as
5 26 follows:

5 27 622A.5 Oath.

5 28 ~~Every~~ An interpreter or translator in any legal proceeding
5 29 shall take ~~the same an~~ oath as ~~any other witness~~ approved by
5 30 the supreme court.

5 31 Sec. 8. Section 622A.6, Code 2011, is amended to read as
5 32 follows:

5 33 622A.6 Qualifications and integrity.

5 34 Any court or administrative agency may inquire into the
5 35 qualifications, neutrality, and integrity of any interpreter



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6 1 or translator, and may disqualify any person from serving as
6 2 an interpreter or translator.

6 3 Sec. 9. Section 622A.7, Code 2011, is amended to read as
6 4 follows:

6 5 622A.7 Rules === qualifications and compensation of
6 6 interpreters and translators.

6 7 The supreme court, after consultation with the commission
6 8 of Latino affairs of the department of human rights and other
6 9 appropriate departments, shall adopt rules governing the
6 10 qualifications and compensation of interpreters and translators
6 11 appearing in proceedings before a court or grand jury under
6 12 this chapter. However, an administrative agency which is
6 13 subject to chapter 17A may adopt rules differing from those of
6 14 the supreme court governing the qualifications and compensation
6 15 of interpreters and translators appearing in proceedings before
6 16 that agency.

6 17 Sec. 10. Section 622A.8, Code 2011, is amended to read as
6 18 follows:

6 19 622A.8 ~~Tape~~ Electronic recording of testimony.

6 20 ~~A tape~~ An electronic recording of the portion of proceedings
6 21 where non=English testimony is given shall be made and
6 22 maintained.

6 23 Sec. 11. Section 622B.1, subsection 1, paragraphs d through
6 24 f, Code 2011, are amended to read as follows:

6 25 d. "Interpreter" means ~~an oral interpreter or sign language~~
6 26 ~~interpreter~~ a person who can accurately transfer the meaning of
6 27 words, phrases, or signs in one language into the equivalent
6 28 words, phrases, or signs in another language, and includes an
6 29 oral language interpreter and a sign language interpreter.

6 30 e. "Oral language interpreter" means an interpreter who is
6 31 ~~fluent in transliterating, paraphrasing, and voicing~~ able to
6 32 interpret from one oral language into a second oral language
6 33 and from the second oral language to the first oral language.

6 34 f. "Sign language interpreter" means an interpreter who is
6 35 able to interpret from sign language to ~~English and English to~~



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~~7 1 sign language~~ an oral language and from that oral language to
~~7 2 sign language.~~

7 3 Sec. 12. Section 815.9, subsections 3, 4, 5, and 7, Code
7 4 2011, are amended to read as follows:

7 5 3. If a person is granted an appointed attorney, the person
7 6 shall be required to reimburse the state for the total cost
7 7 of legal assistance provided to the person, excluding the
7 8 costs and fees of interpreter and translator services. "Legal
7 9 assistance" as used in this section shall include not only
7 10 an appointed attorney, but also transcripts, witness fees,
7 11 expenses, and any other goods or services required by law to
7 12 be provided to an indigent person entitled to an appointed
7 13 attorney.

7 14 4. If the case is a criminal case, all costs and fees
7 15 incurred for legal assistance, excluding the costs and fees
7 16 of interpreter and translator services, shall become due and
7 17 payable to the clerk of the district court by the person
7 18 receiving the legal assistance not later than the date of
7 19 sentencing, or if the person is acquitted or the charges are
7 20 dismissed, within thirty days of the acquittal or dismissal.

7 21 5. If the case is other than a criminal case, all costs and
7 22 fees incurred for legal assistance, excluding the costs and
7 23 fees of interpreter and translator services, shall become due
7 24 and payable to the clerk of the district court by the person
7 25 receiving the legal assistance not later than ten days from the
7 26 date of any court ruling or trial held in the case, or if the
7 27 case is dismissed, within ten days of the dismissal.

7 28 7. If all costs and fees incurred for legal assistance,
7 29 excluding the costs and fees of interpreter and translator
7 30 services, are not paid at the times specified in subsections 4
7 31 and 5, the court shall order payment of the costs and fees in
7 32 reasonable installments.

7 33 EXPLANATION

7 34 This bill relates to interpreters and translators for
7 35 limited English proficient participants in legal proceedings



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8 1 and in court=ordered programs.

8 2 The bill provides that a "limited English proficient" (LEP)
8 3 person who is a participant in any legal proceeding involving a
8 4 court or an administrative agency or in a court=ordered program
8 5 shall be entitled to an interpreter or a translator to assist
8 6 the person in the proceeding or program. LEP is defined as the
8 7 inability of a person to adequately understand or effectively
8 8 communicate in the English language because a person's primary
8 9 language is a language other than English. The bill defines
8 10 an "interpreter" as a person who can accurately transfer the
8 11 meaning of words, phrases, or signs in one language into the
8 12 equivalent words, phrases, or signs in another language and
8 13 includes an oral language interpreter and a sign language
8 14 interpreter; a "translator" as a person who can accurately
8 15 transfer the meaning of written words and phrases in one
8 16 language into the equivalent written words and phrases in
8 17 another language; and a "participant" as a party, witness,
8 18 attorney, or child, including a child who is or may be the
8 19 subject of a delinquency petition, a parent or guardian whose
8 20 child is or may be the subject of a delinquency petition, or a
8 21 person who is a guardian, conservator, or trustee in a probate
8 22 case.

8 23 The bill provides that fees for interpreter or translator
8 24 services shall not be charged to an LEP participant in a legal
8 25 proceeding or court=ordered program. The bill specifies
8 26 that an oral language interpreter or a translator required
8 27 for an LEP participant in a judicial branch legal proceeding
8 28 or in a court=ordered program is to be paid by the state
8 29 court administrator from the revolving fund established in
8 30 Code section 602.1302, subsection 3 (known as the jury and
8 31 witness fund); an oral language interpreter or a translator
8 32 required for an LEP participant in a legal proceeding before
8 33 an administrative agency is to be paid by the appropriate
8 34 administrative agency; and a sign language interpreter and a
8 35 real=time court reporter who assist a deaf or hard=of=hearing



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9 1 participant in a legal proceeding before a court or an
9 2 administrative agency or in a court=ordered program are to be
9 3 paid by the county pursuant to Code section 622B.7. The bill
9 4 makes conforming changes excluding the costs of interpreter
9 5 and translator services from being charged to a parent in a
9 6 juvenile proceeding (Code section 232.141) and to a person
9 7 receiving indigent legal assistance services (Code section
9 8 815.9).
9 9 The bill provides additional provisions specifying that fees
9 10 and qualifications for interpreter and translator services
9 11 are to be determined by the court or administrative agency,
9 12 as appropriate; an interpreter or translator in any legal
9 13 proceeding is required to take an oath approved by the supreme
9 14 court; and a court or an administrative agency may inquire into
9 15 the qualifications, neutrality, and integrity of an interpreter
9 16 or translator and may disqualify any person from serving as an
9 17 interpreter or translator. The bill requires electronic rather
9 18 than audio recordings of the portion of proceedings where
9 19 non=English testimony is given to be made and maintained.
9 20 The bill makes conforming changes to the definitions of
9 21 "interpreter", "oral language interpreter", and "sign language
9 22 interpreter" in Code chapter 622B (deaf and hard=of=hearing
9 23 interpreters) to be consistent with the definitions in the
9 24 bill.

LSB 1280DP (6) 84

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Senate Study Bill 1074

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1231DP (10) 84
tw/sc



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Senate Study Bill 1074 continued

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1 1 Section 1. Section 423.1, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 0A. "Advertising and promotional direct
1 4 mail" means direct mail sent in order to attract public
1 5 attention to a product, person, business, or organization or
1 6 in an attempt to sell, popularize, or secure financial support
1 7 for a product, person, business, or organization. For purposes
1 8 of this subsection, "product" may include tangible personal
1 9 property, a service, or an item transferred electronically.
1 10 NEW SUBSECTION. 33A. "Other direct mail" means all direct
1 11 mail that is not advertising and promotional direct mail even
1 12 if advertising and promotional direct mail is included in the
1 13 same mailing. For purposes of this subsection, other direct
1 14 mail includes but is not limited to:
1 15 a. Transactional direct mail that contains personal
1 16 information specific to the addressee including but not limited
1 17 to invoices, bills, statements of account, and payroll advices.
1 18 b. A legally required mailing including but not limited to
1 19 privacy notices, tax reports, and stockholder reports.
1 20 c. Other nonpromotional direct mail delivered to existing or
1 21 former shareholders, customers, employees, or agents including
1 22 but not limited to newsletters and pieces of informational
1 23 literature.
1 24 Sec. 2. Section 423.1, subsection 14, Code 2011, is amended
1 25 to read as follows:
1 26 14. a. "Direct mail" means printed material delivered or
1 27 distributed by United States mail or other delivery service to
1 28 a mass audience or to addressees on a mailing list provided by
1 29 the purchaser or at the direction of the purchaser when the
1 30 cost of the items is not billed directly to the recipients.
1 31 "Direct mail" includes tangible personal property supplied
1 32 directly or indirectly by the purchaser to the direct mail
1 33 seller for inclusion in the package containing the printed
1 34 material.
1 35 b. "Direct mail" does not ~~include~~ include:



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2 1 (1) ~~multiple~~ Multiple items of printed material delivered
2 2 to a single address.
2 3 (2) The development of billing information or the provision
2 4 of a data processing service that is more than incidental.
2 5 Sec. 3. Section 423.1, subsection 19, Code 2011, is amended
2 6 to read as follows:
2 7 19. "First use of a service". A "first use of a service"
2 8 occurs, for the purposes of this chapter, ~~when a service is~~
~~2 9 rendered, furnished, or performed in Iowa or if rendered,~~
~~2 10 furnished, or performed outside of Iowa, when the product or~~
~~2 11 result of the service is used in Iowa at the location at which~~
2 12 the service is received. For purposes of this subsection, the
2 13 location at which the service is received is the location at
2 14 which the purchaser or the purchaser's donee can first make use
2 15 of the result of the service. For purposes of this subsection,
2 16 the location at which the seller performs the service is not
2 17 determinative of the location at which the service is received.
2 18 Sec. 4. Section 423.1, subsection 52, Code 2011, is amended
2 19 to read as follows:
2 20 52. "Services" means all acts or services rendered,
2 21 furnished, or performed, other than services used in processing
2 22 of tangible personal property for use in retail sales or
2 23 services, for an employer who pays the wages of an employee for
2 24 a valuable consideration by any person engaged in any business
2 25 or occupation specifically enumerated in section 423.2. The
2 26 tax shall be due and collectible when first use of the service
2 27 ~~is rendered, furnished, or performed for~~ received by the
2 28 ultimate user of the service.
2 29 Sec. 5. Section 423.3, subsection 60, paragraph b,
2 30 unnumbered paragraph 1, Code 2011, is amended to read as
2 31 follows:
2 32 "Durable medical equipment" means equipment, including repair
2 33 and replacement parts, and all components or attachments, but
2 34 does not include mobility enhancing equipment, to which all of
2 35 the following apply:



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3 1 Sec. 6. Section 423.5, subsection 5, Code 2011, is amended
3 2 to read as follows:

3 3 5. The use in this state of services enumerated in section
3 4 423.2. This tax is applicable where services are furnished in
3 5 this state or where the product or result of the service is
3 6 first used in this state.

3 7 Sec. 7. Section 423.15, unnumbered paragraph 1, Code 2011,
3 8 is amended to read as follows:

3 9 ~~All sellers obligated to collect Iowa sales or use tax~~
~~3 10 shall use the standards set out in this section to determine~~
~~3 11 where sales of products occur, excluding sales enumerated in~~
~~3 12 section 423.16. These provisions apply regardless of the~~
~~3 13 characterization of a product as tangible personal property,~~
~~3 14 a digital good, or a service, excluding telecommunications~~
~~3 15 services.~~ All sales of products, except those sales enumerated
3 16 in section 423.16, shall be sourced according to this section
3 17 by sellers obligated to collect Iowa sales and use tax. The
3 18 sourcing rules described in this section apply to sales of
3 19 tangible personal property, digital goods, and all services
3 20 other than telecommunications services. This section only
3 21 applies to determine a seller's obligation to pay or collect
3 22 and remit a sales or use tax with respect to the seller's sale
3 23 of a product. This section does not affect the obligation of a
3 24 purchaser or lessee to remit tax on the use of the product to
3 25 the taxing jurisdictions in which the use occurs. A seller's
3 26 obligation to collect Iowa sales tax or Iowa use tax only
3 27 occurs if the sale is sourced to this state. The application
~~3 28 of whether~~ Whether Iowa sales tax applies to sales a sale
3 29 sourced to Iowa depends upon where shall be determined based
3 30 on the location at which the sale is consummated by delivery
3 31 or, in the case of a service, where the first use of the service
3 32 occurs.

3 33 Sec. 8. Section 423.19, Code 2011, is amended by striking
3 34 the section and inserting in lieu thereof the following:

3 35 423.19 Direct mail sourcing.



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4 1 1. Notwithstanding section 423.15, the following provisions
4 2 apply to sales of advertising and promotional direct mail:
4 3 a. A purchaser of advertising and promotional direct mail
4 4 may provide the seller with one of the following:
4 5 (1) A direct pay permit.
4 6 (2) An agreement certificate of exemption claiming to be
4 7 direct mail, or a similar written statement, if the statement
4 8 is approved, authorized, or accepted by the department.
4 9 (3) Information showing the jurisdiction to which the
4 10 advertising and promotional direct mail is to be delivered to
4 11 the recipient.
4 12 b. (1) If the purchaser provides the seller a permit, a
4 13 certificate of exemption, or an approved written statement
4 14 pursuant to paragraph "a", subparagraph (1) or (2), then,
4 15 in the absence of bad faith, the seller is relieved of the
4 16 obligation to collect, pay, or remit tax on a transaction
4 17 involving advertising and promotional direct mail to which the
4 18 permit, certificate, or approved written statement applies. In
4 19 such a transaction, the purchaser shall source the sale to the
4 20 jurisdiction in which the advertising and promotional direct
4 21 mail is to be delivered to the recipient and shall report and
4 22 pay any tax due accordingly.
4 23 (2) If the purchaser provides the seller information
4 24 showing the jurisdiction to which the advertising and
4 25 promotional direct mail is to be delivered pursuant to
4 26 paragraph "a", subparagraph (3), the seller shall source
4 27 the sale to the jurisdiction in which the advertising and
4 28 promotional direct mail is to be delivered and shall collect
4 29 and remit the tax due accordingly. If the seller has sourced
4 30 the sale according to the delivery information provided by the
4 31 purchaser, then, in the absence of bad faith, the seller is
4 32 relieved of any further obligation to collect tax on the sale
4 33 of the advertising and promotional direct mail.
4 34 c. (1) If the purchaser fails to provide the seller with
4 35 one of the items listed in paragraph "a", the sale shall be



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5 1 sourced pursuant to the sourcing directive described in section
5 2 423.15, subsection 1, paragraph "e".
5 3 (2) If a sale is sourced to this state pursuant to
5 4 subparagraph (1), the full amount of the tax imposed by
5 5 subchapter II or III, as applicable, is due from the purchaser,
5 6 notwithstanding section 423.22.
5 7 2. Notwithstanding section 423.15, sales of other direct
5 8 mail are subject to all of the following:
5 9 a. Except as otherwise provided in this subsection, the sale
5 10 of other direct mail shall be sourced pursuant to the sourcing
5 11 directive described in section 423.15, subsection 1, paragraph
5 12 "c".
5 13 b. A purchaser of other direct mail may provide the seller
5 14 with either of the following:
5 15 (1) A direct pay permit.
5 16 (2) An agreement certificate of exemption claiming to be
5 17 direct mail, or a similar written statement, if the statement
5 18 is approved, authorized, or accepted by the department.
5 19 c. (1) If the purchaser provides the seller a permit, a
5 20 certificate of exemption, or an approved written statement
5 21 pursuant to paragraph "b", then, in the absence of bad faith,
5 22 the seller is relieved of the obligation to collect, pay, or
5 23 remit tax on a transaction involving other direct mail to which
5 24 the permit, certificate, or approved written statement applies.
5 25 (2) Notwithstanding paragraph "a", the sale of other direct
5 26 mail under the circumstances described in subparagraph (1)
5 27 shall be sourced to the jurisdiction in which the other direct
5 28 mail is to be delivered to the recipient, and the purchaser
5 29 shall report and pay any tax due accordingly.
5 30 Sec. 9. Section 423.50, subsection 4, Code 2011, is amended
5 31 to read as follows:
5 32 4. If a due date falls on a Saturday, a Sunday, legal
5 33 holiday, or a legal banking holiday in this state, the ~~taxes~~
~~5 34 are payment, including any related payment voucher information,~~
5 35 is due on the next succeeding business day.



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6 1 Sec. 10. Section 423.50, Code 2011, is amended by adding the
6 2 following new subsection:

6 3 NEW SUBSECTION. 5A. If the federal reserve bank is closed
6 4 on the due date preventing a person from being able to make an
6 5 automated payment, the payment shall be accepted as timely if
6 6 made on the next day the federal reserve bank is open.

6 7 EXPLANATION

6 8 This bill relates to the administration of the sales and use
6 9 taxes under the streamlined sales tax agreement.

6 10 Iowa is a member of the streamlined sales and use tax
6 11 agreement which is an effort to administer state sales and
6 12 use taxes in all participating states according to the same
6 13 simplified system. Under the agreement, Iowa must periodically
6 14 make changes in the administration of the sales and use taxes
6 15 in order to remain in compliance. The bill makes changes
6 16 to a number of provisions in the uniform sales and use tax
6 17 administration Act in Code chapter 423, subchapter IV, to more
6 18 closely conform to the terms of the agreement.

6 19 The bill amends language relating to the sourcing of taxable
6 20 services. Currently, the first use of a service occurs when it
6 21 is rendered, furnished, performed, or used in Iowa. The bill
6 22 provides that the location at which the service is received
6 23 is the location of the first use of the service and makes
6 24 coordinating changes related to the sourcing of services.

6 25 The bill amends the definition of durable medical equipment
6 26 to include components and attachments of the equipment.

6 27 The bill strikes and replaces Code section 423.19 relating
6 28 to the sourcing of direct mail and makes conforming changes
6 29 for purposes of the taxation of shipping and handling charges.
6 30 Currently, Iowa does not tax shipping and handling charges on
6 31 direct mail, but compliance with the agreement nonetheless
6 32 requires that these provisions be enacted in Iowa law.

6 33 The bill amends Code section 423.50 to include new language
6 34 relating to the due dates and timeliness of sales and use tax
6 35 payments.

LSB 1231DP (10) 84

tw/sc



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Senate Study Bill 1075

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act establishing the state percent of growth for purposes of
2 the state school foundation program and including effective
3 date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2064XC (6) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2011

Senate Study Bill 1075 continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 1, Code 2011, is
1 2 amended to read as follows:

1 3 1. State percent of growth. ~~The state percent of growth~~
~~1 4 for the budget year beginning July 1, 2009, is four percent.~~
1 5 The state percent of growth for the budget year beginning July
1 6 1, 2010, is two percent. The state percent of growth for the
1 7 budget year beginning July 1, 2011, is two percent. The state
1 8 percent of growth for each subsequent budget year shall be
1 9 established by statute which shall be enacted within thirty
1 10 days of the submission in the year preceding the base year of
1 11 the governor's budget under section 8.21. The establishment of
1 12 the state percent of growth for a budget year shall be the only
1 13 subject matter of the bill which enacts the state percent of
1 14 growth for a budget year.

1 15 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 16 Act, being deemed of immediate importance, takes effect upon
1 17 enactment and is applicable for computing state aid under the
1 18 state school foundation program for the school budget year
1 19 beginning July 1, 2011.

1 20 EXPLANATION

1 21 This bill establishes a state percent of growth of 2
1 22 percent for purposes of the state school foundation program
1 23 for the school budget year beginning July 1, 2011. The bill
1 24 takes effect upon enactment and is applicable for state aid
1 25 computation under the state school foundation program for the
1 26 school budget year beginning July 1, 2011.

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2011

Senate Study Bill 1076

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act establishing the categorical state percent of growth
2 for purposes of the state school foundation program and
3 including effective date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2063XC (4) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 31, 2011

Senate Study Bill 1076 continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. Categorical state percent of growth. The categorical
1 4 state percent of growth for the budget year beginning July 1,
1 5 2010, is two percent. The categorical state percent of growth
1 6 for the budget year beginning July 1, 2011, is two percent.

1 7 The categorical state percent of growth for each budget year
1 8 shall be established by statute which shall be enacted within
1 9 thirty days of the submission in the year preceding the
1 10 base year of the governor's budget under section 8.21. The
1 11 establishment of the categorical state percent of growth for a
1 12 budget year shall be the only subject matter of the bill which
1 13 enacts the categorical state percent of growth for a budget
1 14 year. The categorical state percent of growth may include
1 15 state percents of growth for the teacher salary supplement, the
1 16 professional development supplement, and the early intervention
1 17 supplement.

1 18 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 19 Act, being deemed of immediate importance, takes effect upon
1 20 enactment and is applicable for computing state aid under the
1 21 state school foundation program for the school budget year
1 22 beginning July 1, 2011.

1 23 EXPLANATION

1 24 This bill establishes a categorical state percent of growth
1 25 of 2 percent for purposes of the state school foundation
1 26 program for the school budget year beginning July 1, 2011.
1 27 The categorical state percent of growth includes the teacher
1 28 salary supplement, the professional development supplement,
1 29 and the early intervention supplement. The bill takes effect
1 30 upon enactment and is applicable for computing state aid under
1 31 the state school foundation program for the school budget year
1 32 beginning July 1, 2011.

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